

**DEPARTMENTS OF LABOR, HEALTH AND  
HUMAN SERVICES, AND EDUCATION, AND  
RELATED AGENCIES APPROPRIATIONS FOR  
FISCAL YEAR 2005**

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**THURSDAY, MARCH 4, 2004**

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 9:40 a.m., in room SD-192, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senators Specter, Hutchison, Stevens, Harkin, Kohl, Murray, and Landrieu.

**DEPARTMENT OF EDUCATION**

**OFFICE OF THE SECRETARY**

**STATEMENT OF HON. RODERICK PAIGE, SECRETARY**

**ACCOMPANIED BY:**

**C. TODD JONES, ASSOCIATE DEPUTY SECRETARY FOR BUDGET  
AND STRATEGIC ACCOUNTABILITY**

**THOMAS SKELLY, DIRECTOR, BUDGET SERVICES**

**OPENING STATEMENT OF SENATOR ARLEN SPECTER**

Senator SPECTER. The hearing of the Appropriations Subcommittee on Labor, Health, Human Services, and Education will now proceed. I regret being a few minutes late. They have Constitution Avenue blocked off. How did you make it Mr. Secretary?

Secretary PAIGE. I know some shortcuts.

Senator SPECTER. You must have more clout than a chairman, Mr. Secretary.

Secretary PAIGE. I doubt that.

Senator SPECTER. We never know what's going to happen around the Capitol from one day to the next, but Constitution Avenue is blocked off as we came up. They publicized recently that the Capitol is an armed camp but at least the streets were clear, but this morning even the streets are not clear.

Well, on to the business of the subcommittee. We have the distinguished Secretary of Education with us today, came to the administration with an outstanding reputation as the superintendent of the Houston Independent School District. He served as dean of education and athletic director prior to that at Texas Southern University. He takes on a gigantic job, has taken on a gigantic job in the Department of Education, and with the President on a bipar-

tisan basis has led to the enactment of legislation on Leave No Child Behind, which was widely heralded in 2001 when enacted.

The President made a special trip to Massachusetts with Senator Kennedy to show the bipartisan support. Since that time, there have been some growing pains, which we will be exploring in today's hearing, a call for greater flexibility where the Department has responded so far, at least in part, concerns about adequacy of funding, where we are trying to move ahead with more funding.

#### FISCAL YEAR 2005 EDUCATION BUDGET REQUEST

The budget for the Department as asked for by the administration is in excess of \$57 billion, an increase of \$1.68 billion over last year for a 3 percent increase, and the administration has recommended additions in very important lines, a billion in title I, a billion in special education. But that is possible by eliminating quite a few programs, which, Mr. Secretary, are very popular with members, and the Constitution gives the Congress the appropriation power, subject, of course, to the President's signature.

So we have always worked it out in the past. We're facing a very difficult year on discretionary spending with one half of 1 percent overall on discretionary spending. We're facing a budget deficit in the range of \$500 billion, but in Winston Churchill's famous words, we'll muddle through, and by working together and the relationship the Secretary has had with this subcommittee and with the Congress in general has been excellent and on a cooperative basis.

A group of school leaders had a meeting in southeastern Pennsylvania earlier this week where there were many concerns expressed about the No Child Left Behind Act, and on a last minute basis we've invited some of the people party to that meeting and some other Pennsylvanians to come to the hearing. The chairman is exercising his prerogative as chairman to look to the home State. That's not unusual in Washington, D.C., but it's representative of a national picture.

I talked to Secretary Paige last yesterday afternoon. He has other commitments, but we struck a time agreement, out no later than 11:00, and we appreciate his flexibility. Mr. Secretary, the floor is yours. We have a 5-minute rule, but it is waived for people who can get by the Constitution Avenue blockade.

#### SUMMARY STATEMENT OF HON. RODERICK PAIGE

Secretary PAIGE. Thank you, Mr. Chairman. I would like to submit material for the record. I'll just provide a summary and try to get it in in 5 minutes.

Senator SPECTER. Well, that's wonderful, Mr. Secretary.

#### NO CHILD LEFT BEHIND ACT

Secretary PAIGE. Thank you. Let me summarize the statement for you. With this request, President Bush has reaffirmed his long-standing commitment to our Nation's children. Mr. Chairman, in the time since the No Child Left Behind Act became law, we have made tremendous progress in building a solid foundation for educational achievement.

From day one we've been working to provide guidance on implementation of this comprehensive and complicated law. The States will tell you that we've done so at a record pace. We've entered into a historic partnership with the States. In the first year, we hosted meetings with nearly every State to support the development of our accountability plan. Our Teacher Assistance Corps has visited 49 States to date, working to help States meet the law's provisions regarding highly qualified teachers.

We continue to provide regulatory flexibility on the law's implementation, including the recent announcement that benefits students learning the English language for the first time, and also greater flexibility in testing students with disabilities. As we continue to assess the law's impact, we must always keep in mind what is right for the child, but also be fair to the school.

#### FISCAL YEAR 2005 EDUCATION BUDGET REQUEST

Despite this important progress, we still have much work to do. My message to you this year, Mr. Chairman, is no less urgent than it was in years past. Federal Reserve Chairman Alan Greenspan noted recently, and I quote: "We need to be forward-looking in order to adapt our educational system to the evolving needs of the economy and the realities of a changing society. . . . It is an effort that should not be postponed."

The President's budget proposes \$57.3 billion in discretionary appropriation for the Department of Education for fiscal year 2005. This represents an increase of \$1.7 billion, or 3 percent, over the 2004 levels, and an increase of \$15.1 billion, or 36 percent, since President Bush took office in 2001. This budget request reflects the historic bipartisan commitment of President Bush and the Congress to increase flexibility and accountability in the use of these funds.

#### KEY BUDGET YEAR FOR NCLB

The 2005 appropriation will fund the 2005–2006 school year, a critical year that will witness two significant milestones under the No Child Left Behind law. The first, States and school districts will begin testing all students in grades 3 through 8 in reading and mathematics in 2005–2006. With the information provided by these annual assessments, teachers will have the data they need to teach each student effectively and parents will be empowered to make informed choices for their children's education—for their educational future. The President is proposing \$410 million in 2005 to support the assessment system developed by each State.

The second milestone is that all teachers must become highly qualified by the end of the school year of 2005–2006. There is no better way to improve education than putting a highly qualified teacher in every classroom. The No Child Left Behind Act recognizes this fact and we will continue to work hard with States to make this a reality. The President's Budget proposes \$5.1 billion to support teachers through training, recruitment incentives, loan forgiveness, tax relief. This is up from \$4.4 billion in 2004 and this is a historic number.

## TITLE I GRANTS TO LOCAL EDUCATIONAL AGENCIES

For students who most need our help, the President has again proposed a billion dollar increase in title I, which brings it up to \$13.3 billion. Many of these children are on the wrong side of a staggering achievement gap with their more advantaged peers, often struggling in school and also in life. We know that this problem can't be solved in Washington. Local communities know best what to do in order to remedy these conditions.

## HISTORIC LEVELS OF RESOURCES AND FLEXIBILITY

So to help schools and districts better meet the needs of these students, we're providing resources that are historic in their scope and also in their flexibility, and we're asking for annual progress assessments in return for this historic investment.

In conclusion, when the President said in his State of the Union address: "We've not come all this way . . . only to falter and leave our work unfinished." I took that message to heart. In the last 3 years, we've witnessed some of the most important milestones yet in education reform, and I believe that one day we're going to look back at this year and see it as a turning point in the educational culture in our country.

## PREPARED STATEMENT

Fifty years ago, the historic *Brown v. Board of Education* decision began to break down the barriers that prevented some of us from attending classrooms—certain classrooms. But we know now access was not enough. We still have a long way to go to ensure achievement. We believe that today, at the start of the third year of the No Child Left Behind Act, we are closer to making that goal a reality than ever before.

Mr. Chairman, thank you, and I'd be pleased to respond to any questions that you might have.

[The statement follows:]

## PREPARED STATEMENT OF HON. RODERICK PAIGE

Mr. Chairman and Members of the Subcommittee: Thank you for this opportunity to testify on behalf of President Bush's 2005 discretionary request for the Department of Education. As all of you know, the effort to control spending while fighting a war on terrorism and ensuring homeland security forced the President to make some tough decisions in his 2005 budget. The significant overall increase requested for the Department of Education shows that the President remains committed to the vision of No Child Left Behind—that all children can learn, and all children deserve the opportunity for a quality education.

## A KEY YEAR FOR NO CHILD LEFT BEHIND

Fiscal year 2005 is a critical year for No Child Left Behind. The 2005 appropriation will fund the 2005–2006 school year, a year that will witness two significant milestones under the new law. First, States and school districts will begin testing all students in grades 3–8 in reading and mathematics. This is a necessary step toward giving teachers the data they need to teach effectively and parents the information they need to assess the progress of their children's education.

Second, all teachers must be highly qualified—as defined by States in accordance with the law—by the end of the 2005–2006 school year. Research tells us there is no better single way of improving education than by putting a highly qualified teacher in every classroom. The No Child Left Behind Act recognized this fact, and we'll be working hard with States to make it a reality.

We also continue to explore ways to provide the additional flexibility that States and school districts need to effectively implement No Child Left Behind. In December, the Department published a new regulation giving States greater flexibility in testing students with disabilities. Two weeks ago, I announced two new policies governing the treatment of limited English proficient students in the State accountability systems required by No Child Left Behind. And we are working on some clarifications regarding the law's requirement that all teachers be highly qualified.

In these and other instances, we believe the law is sufficiently flexible to accommodate the legitimate concerns of State and local educators, without undermining the core goal that all students and all student groups must reach proficiency in reading and mathematics.

#### MAJOR PROGRAM INCREASES

The President's budget proposes \$57.3 billion in discretionary appropriations for the Department of Education in fiscal year 2005. This represents an increase of \$1.7 billion, or 3 percent, over the 2004 level, and an increase of \$15.1 billion, or 36 percent, since President Bush took office in 2001.

As was the case in the President's previous education budgets, most new resources are dedicated to three major programs that form the cornerstone of the Federal role in education. For the Title I Grants to Local Educational Agencies program—the key driver of No Child Left Behind reforms in the areas of accountability and parental options—the President is seeking \$13.3 billion, an increase of \$1 billion over the 2004 level.

Title I helps the children who are most in need of extra educational assistance, who are most in danger of falling further behind, on the wrong side of the staggering achievement gap between poor and minority students and their more advantaged peers. Our determination to help these students—which I know is shared by the Members of this Committee—is reflected in a request that would result in a total increase of \$4.6 billion, or 52 percent, in Title I funding since the passage of the No Child Left Behind Act.

The President also is asking for his fourth consecutive \$1 billion increase for the Special Education Part B Grants to States program. Under the request, funding for Part B Grants to States would rise by \$4.7 billion, or 75 percent, since 2001. The 2005 request would increase the Federal contribution to about 20 percent of the national average per-pupil expenditures for all children—the highest level of Federal support ever provided for children with disabilities.

And for the need-based Pell Grants program, the budget includes an increase of \$856 million, for a total of \$12.9 billion. This level would fully fund the cost of maintaining a \$4,050 maximum award and providing grants to an estimated 5.3 million postsecondary students. More than 1 million additional students are now receiving Pell Grants than when the President took office.

#### JOBS FOR THE 21ST CENTURY

In addition to these major programs, another priority in the Department's request is a package of proposals, totaling \$333 million in new resources, which play a key role in President Bush's Jobs for the 21st Century initiative. These proposals would help ensure that middle- and high-school students are better prepared to succeed in postsecondary education and the workforce. They focus on improving instruction to ensure students are performing on grade level in reading and mathematics and on increasing the rigor of secondary school curricula.

A key proposal, for example, is \$33 million for new Enhanced Pell Grants for State Scholars, which is included in the overall request for Pell Grants. We know students who complete a rigorous curriculum are more likely to pursue and succeed in postsecondary education, so this proposal would provide an additional \$1,000 for postsecondary freshmen who took challenging courses in high school.

The Jobs for the 21st Century initiative also includes \$100 million in new funds to help struggling readers at risk of dropping out of secondary school and \$120 million to improve the math skills of secondary school students who are performing below grade level. Another \$28 million in new funds is provided to help expand Advanced Placement courses for low-income students, and \$40 million is set aside for Adjunct Teacher Corps to bring professionals with sought after knowledge into the classroom.

The request for Vocational Education complements Jobs for the 21st Century by proposing a \$1 billion Secondary and Technical Education State Grants program that would promote local partnerships between community colleges and high schools to improve academic achievement and transitions to the workforce. This request in-

cludes \$12 million to help those States that do not currently have State Scholars programs to establish such programs.

Jobs for the 21st Century also emphasizes research-based approaches, the importance of which is reflected in our \$185 million request for Research, Development, and Dissemination. This is an increase of \$19 million, or nearly 12 percent, to fund research on reading comprehension, mathematics and science education, and teacher quality.

#### OTHER PRIORITIES

The 2005 request provides new funding in other ongoing priority areas, such as reading, expanding choice options, and support for postsecondary institutions serving large percentages of minority students.

Funding for Reading First would grow by \$139 million, or more than 12 percent. Reading first offers children in grades K–3 the benefits of research-based, comprehensive reading instruction designed to help meet the President's goal that all children read on grade level by the end of third grade. The request includes \$1.1 billion for Reading First State Grants, an increase of \$101 million or 10 percent over last year, as well as \$132 million for Early Reading First, an increase of \$38 million or 40 percent.

Our budget also reflects President Bush's determination to extend educational options to all parents and students—not just those who can afford this freedom. No Child Left Behind has greatly expanded the choices available to students in low-performing schools, including both the option to transfer to a better school and to obtain supplemental educational services from a private-sector provider. And this fall we will for the first time provide federally funded opportunity scholarships to low-income students in the District of Columbia.

The President's 2005 budget would build on these achievements by investing an additional \$113 million in expanding choices for students and parents. This total includes \$50 million for a Choice Incentive Fund that would support new transfer options, including private school options, and a \$63 million increase for the Credit Enhancement for Charter School Facilities program, which encourages greater private sector lending to finance academic facilities for charter schools.

Finally, our request reflects the President's ongoing commitment to postsecondary institutions that serve large numbers and percentages of minority students. We are asking for a total of \$515 million for these institutions, an increase of almost \$21 million, or 4 percent, over the 2004 level. The total includes \$241 million for Strengthening Historically Black Colleges and Universities, \$59 million for Historically Black Graduate Institutions, and \$96 million for Hispanic-Serving Institutions.

#### MANAGEMENT IMPROVEMENTS

Another thing that I am proud of is the very real improvement we have made in managing the Department and its programs. I knew when I came to the Department that if we were going to demand stronger accountability from States, school districts, and schools as part of No Child Left Behind, we would have to demand that same kind of accountability from ourselves. This has been a major priority for me and my senior officers for the past three years, and I am pleased to report that thanks to a lot of hard work and discipline, taxpayers can rest assured that their hard-earned tax dollars are managed responsibly at the Department of Education.

Fiscal year 2003 marked the second consecutive year that the Department received an unqualified "clean" opinion from its financial auditors. That may not seem like something worth celebrating, unless you know that the 2003 opinion was only the third "clean" audit in the Department's 24-year history.

We also are continuing to make progress in all areas of the President's Management Agenda. Earlier this year, the Office of Management and Budget announced that the Department received a major upgrade on financial performance—moving from a RED to GREEN status score. Our performance is ranked in the top one-third of all government agencies, and reflects our continued determination to inject accountability into everything we do here at the Department of Education.

#### CONCLUSION

The President's 2005 budget request for the Department of Education demonstrates his ongoing commitment to investing in educational excellence and achievement. But it also reaffirms that the Federal role in education is not just about money, but more importantly about leadership based on high standards, accountability, and the use of proven educational methods. Only in combination with this leadership—exemplified by the No Child Left Behind Act—will the resources

provided by the Congress have the impact we have all hoped for over the past four decades.

We still have a long way to go before we ensure equal educational opportunity for disadvantaged children, but I believe we are witnessing the turning point. With your help, we'll keep turning in the right direction.

Thank you, and I will be happy to take any questions you may have.

#### NEW FLEXIBILITY UNDER NCLB REQUIREMENTS

Senator SPECTER. Well, thank you very much, Mr. Secretary. There have already been some significant changes made in the Leave No Child Behind program according to media reports. Secretary Paige, could you tell us a little bit about those changes which have already been made to add flexibility and the reasons for those changes?

Secretary PAIGE. Yes. Let's kind of put this in perspective. It's been about 8 months since school systems began to really exercise the tenets of the No Child Left Behind law, so we can see the impact of it. The first began in September and October just after the accountability plans were approved in June. Accountability programs were approved in June; in September, October, and November, we began to see the impact of these plans.

In October, late October, we assessed what had happened in September and October. We were particularly interested in where the hot spots were or the areas of difficulties that could be found. We began then to assess those difficulties and say, for which of these difficulties do we have regulatory ability to provide more flexibility?

The first was special education because we found it was having—giving us the most heartburn at that point. And so in December we announced some new flexibility, new flexibility with special education. The next one was LEP—limited English proficient students. Our policy people and our legal people studied the LEP issues, they conferred with Congress, they conferred with the White House, and we found ways that we could agree that we could provide more flexibility for LEP students, and so in February we announced new flexibility in accountability requirements for LEP students.

The third challenge was the highly qualified teacher requirement, and the progress is ongoing now in developing some new latitude in the highly qualified teacher requirement; all of this within the confines of the law. And we hope in the next 10 days or so to be able to announce some new flexibility with the highly qualified teacher requirements.

Following that, we hope that we'll be able to take a good—we are in the process now of taking a good look at the 95 percent participation requirement to see if there's any way there that we can find new flexibility in the law.

So there's been a constant march towards providing flexibility to the people who really are going to have to get this done, and those are the people who are at the schools and in the superintendent's office and in the classrooms.

#### REGULATORY FLEXIBILITY FOR SPECIAL EDUCATION AND LEP ASSESSMENTS

Senator SPECTER. Mr. Secretary, let me shift focus just a little bit on the issue of No Child Left Behind. Earlier this week, last Monday, more than 100 school superintendents from 14 Pennsyl-

vania counties met to discuss the No Child Left Behind law and they signed a petition supporting changes, including flexibility in testing requirements for special education and limited English proficient students, and also full funding for the No Child Left Behind Act. Would you direct your attention to the issues of increased flexibility for special education and limited English proficient students?

Secretary PAIGE. Yes, thank you, Mr. Chairman. Let's start with the point of view that the philosophy of the No Child Left Behind Act is that every student is a concern to us and the law should provide the same kind of protection for every single student. There are some students who bring different challenges to us. Students with disabilities are one of those groups of students. We want to make sure that students with disabilities are assessed just like the other students. The law, in fact, requires it.

What we did in December was to announce an initiative that provided a little flexibility there, but yet kept the spirit of the law that Congress had in mind, Congress' intent, which was that every student is assessed. And so we announced some flexibility such that students with the most significant cognitive disabilities could be assessed against alternate achievement standards. That would be limited to 1 percent of the students tested, which could be 8, 9, 10, 11 percent of the students with disabilities overall.

We also indicated that if a particular school district finds that that 1 percent cap is too tight for them, and they've got a way that they can justify a need for it to be expanded, a process is put in place so that it can be expanded. So the special ed regulations we think are going to provide the kind of flexibility that school districts need in order to get the job done.

Senator SPECTER. Do you think that would be enough to account for students who are not proficient in English and also those who need special education, Mr. Secretary?

Secretary PAIGE. Especially in special education. Now about those students that have limited proficiency in English, we indicated that the test that they're measured with would be a test to measure where they are in that progress to English proficiency, not a content test. Now, that's the law, but many States have different laws that require different kinds of approaches to that.

#### SINGLE SEX EDUCATION

Senator SPECTER. Mr. Secretary, I notice in this morning's media reports a shift in policy by your Department on single sex education and it is in the formative stage. And there was a comment by Superintendent Vallas of the Philadelphia School District, which we will be inquiring into when he testifies later, that there's going to be a very careful examination of community response on that issue.

But I'd be interested in your professional judgment as to the advantages and disadvantages, and before you start to answer the question, let me say that that's my last question, because I want to stay within the 5-minute rule because we have so many witnesses later. But I'd be interested in your professional judgment on that issue.



Secretary PAIGE. We would like to provide broad flexibility in the kind of systems that we have in schools for the education of children. There's no coercion here. What we're trying to do is to provide options for parents and for those who administer schools. If they decide that a single-sex school or a single-sex classroom brings the kind of advantages that they need in order to accomplish their educational goals, we don't want to restrict that. And so what we are attempting to do now is to provide that kind of flexibility.

We were in New York at the Young Women's Leadership School. I had a chance to talk to girls who felt and expressed that the school that they were attending now gave them a really real new lease on life. This kind of environment they thought was very special and met their needs. They weren't required to attend that kind of classroom, but if this is the kind of classroom that they feel is needed there, then the ability to adapt the structure of the delivery system should be available to the person on the scene, and that's what we're trying to get accomplished.

Senator SPECTER. Thank you very much, Mr. Secretary. I'll turn now to, in order of arrival, Senator Landrieu.

#### STATEMENT OF SENATOR MARY L. LANDRIEU

Senator LANDRIEU. Thank you, Mr. Chairman. I have a longer statement I'll submit to the record and, welcome, Secretary Paige. Just for the—briefly though this morning, just say after looking and studying very closely at this budget, Mr. Secretary, I must say, and to the administration, that this budget is wholly inadequate to support the education reform efforts that are underway in this country at our own urging.

Together we set out on a path to help our States and help our cities and help our communities identify the schools and the systems that weren't working, and then when they looked to us to help to provide the resources to hire better qualified teachers, to make smaller classroom sizes, to provide early childhood education, to provide for after-school care, the resources are not there.

Mr. Chairman, I have to say just my general comment about this budget is that it is wholly inadequate to meet the challenges of reform and to strengthen what we understand is a weak economy in the United States at this time, and the only way this economy is going to be strengthened is if we can increase the human capacity and invest in human talent and skill.

Senator SPECTER. Senator Landrieu—

Senator LANDRIEU. So with that—

Senator SPECTER. Senator Landrieu, may I interrupt you for just a moment? While this hearing is going on, there is an executive session of the Judiciary Committee and they need me there for a quorum. I'm going to excuse myself for a few minutes. When you finish your round, Senator Murray will proceed, and if somebody else comes, they may proceed, and I will return momentarily.

Senator LANDRIEU [presiding]. Thank you, Mr. Chairman, and I'm going to be brief because I'll—Senator Murray will have an opening statement and then I'll get back to questions, but you know, Mr. Secretary, I have to go on record as saying I don't know where to begin. And let me just end with one very specific. We called our schools and some around the country just on one specific,

so I can just express and give some real meat to the general statement I just made.

As you know, in New Orleans and Louisiana, we're 5 years into a very strong accountability program in which we used in some measure as a model for the Nation. But unlike the Nation, Louisiana stepped up and tried to fund those reforms. Last year, 35,000 children were identified in failing schools, 1,100 applied for transfers, yet only 400 were transferred because the rest were denied because of lack of space in higher performing schools.

So the plan that we've put in place can't work unless we provide the resources to give them opportunities to move to schools that are performing but they either don't have the teachers or don't have the classrooms, yet every time we've asked this administration for help, for classrooms, for school construction, we've been told no, no, and no.

In Chicago, 125,000 students were eligible for transfer, yet there was only space for 3,000 to transfer to higher public schools. In Baltimore—I mean, in Los Angeles, 230,000 children were eligible, yet only 100 could transfer because there's no space. And yet in the same budget, you all provide space to transfer to private schools, but won't help children transfer to higher performing public schools, and the bias is clear and it is, in my opinion, not right.

#### PREPARED STATEMENT

I could go on for 3 hours, but I will not. That's just one example, and Senator Murray will have an opportunity for an opening statement now, or questions.

[The statement follows:]

#### PREPARED STATEMENT OF SENATOR MARY L. LANDRIEU

Mr. Chairman, again let me take the opportunity to thank you for your leadership in this area. I am pleased to have the opportunity today to hear from the Secretary of Education, Secretary Paige, about the President's Budget request for Education. As I know you agree, there are few greater investments that can be made in the future of this great country than the investment we make in our children's education. For this reason, I remain committed in my support of a budget that not only reflects national priorities in education, but also invests in them. I am sad to find that the budget that has been put forward by the President does neither. I hope that this committee can work together, as we have in the past, to address the many shortfalls left by this budget and fully invest in our promise to leave no child behind.

As all of us know, our nation is faced with one of the largest federal deficits in our history. While we may disagree as to how we have come to be in this position, there is not a member of the United States Senate who is not aware of the need to enact fiscally responsible policies aimed at restoring balance in the federal budget. Most experts agree that a sound fiscal policy in times of deficit requires limited spending in key priority areas that both increase revenue and spur economic growth. Strategic investments in education not only allow us to develop a strong and competitive workforce but also help citizens to move from a life of dependence on government support to one of individual productivity.

This is not just my opinion, these are the facts. Let me read you a few of the most recent statistics on this point.

According to the Employment & Training Administration, a person with a bachelor's degree earns a million dollars more over a lifetime than a person with a high school diploma and a person with an associate's degree will earn an average of a half million dollars more than a person with high school diploma.

According to the Current Population Survey, those with a bachelor's degree had less than half the unemployment rate of people with only a high school diploma during 2000.

According to the U.S. Department of Labor, occupations requiring at least a bachelor's degree are expected to grow 21.6 percent and those requiring an associate's degree are projected to grow 32 percent.

Recognizing the national importance of investing in the education of our young people, I, along with other members of this committee, have continued to push for a federal education budget that reflects the needs our schools have in educating our future workforce. Year in and year out, these efforts have been met with great resistance by the Administration. Despite this fact, this President continues to claim education as a priority and takes credit for record increases in education spending. Again, let the facts speak for themselves.

In the three years that Bush has been in office, discretionary education spending has increased by a total of 14 percent. In just the last two years of the Clinton Administration, discretionary education spending rose by 40 percent. At the same time, since the passage of the No Child Left Behind Act, increases in spending have been going down while federal expectations for performance have been going up. What this indicates to me is that this President is only committed to investing in education reform when it is politically expedient for him to do so. Unfortunately, Mr. Secretary, that type of leadership is not what we need. We need a President whose promises last beyond the press conferences and photo opportunities.

This administration also claims that any cuts that are made in education programs are part of a overall, "better, more efficient government" economic strategy. In fact, on page two of your budget summary, Mr. Secretary, you state, that the Department of Education supports "the elimination of categorical programs and low-priority activities in favor of funding through flexible State grant programs created by the NCLB Act." As you may know, I was one of the 13 members who voted in favor of an education reform bill called "The Three R's," from which President Bush derived much of his education platform. One of the main principles of this bill was that federal resources in education needed to be consolidated into flexible state grant programs that reflected key national priorities. Consolidation is something I support.

But, once again, your actions do not match your rhetoric, Secretary Paige. Your budget does in fact call for the elimination of 38 categorical programs, such as Art in Education, Even Start, Education Research Labs, and Drop Out prevention, but you do not, as you indicate is your policy, shift these resources toward increases in the state grant programs created by No Child Left Behind. Instead, for the second year in a row, you flat fund two out of the largest, most important NCLB state grant programs, Teacher Quality and Innovation in Education, and recommend a level of funding for the 21st Century After School State Grant Program that is below the level it was in fiscal year 2002. It seems to me that the funds recouped from the elimination of these programs went instead to create 7 new programs that are more in line with the President's personal preferences and political agenda, such as the Choice Incentive Fund and Striving Readers program.

Finally, Mr. Secretary, I am sad to see that despite my stated concerns on the utility of education savings accounts for private elementary and secondary school tuition that they are again included in your budget. As I said last year, a \$150 tax savings does not help a single mother of two who makes \$30,000 a year to afford \$15,000 in school tuition. In your testimony last year, you conceded this point. If we are sincere about helping low-income children trapped in failing schools, then we would be better to invest the \$2.0 billion reserved for ESAs in serving disadvantaged students, teacher quality and smaller classes.

In summary, I am very disappointed by this budget. It is wholly inadequate to support the reforms that are underway in every state in the Nation at our request. We made a promise to our schools that if they went the distance and identified failure, we would be there to help them reform. This budget does not fulfill that promise.

#### STATEMENT OF SENATOR PATTY MURRAY

Senator MURRAY. Well, thank you, Mr. Secretary and Senator Landrieu. I share the concerns of Senator Landrieu certainly as I look at this budget, and I just have a few minutes because Budget is meeting right now. I'm on that committee. But the overall funding levels in the 2005 budget request just don't meet the needs in our States as our States are struggling to try and meet the mandates of No Child Left Behind that I put on them.

I will submit my statement for the record, but I just want to echo what Senator Landrieu said. We are really shortchanging our students at a time when we need to invest in their education because we know that, as all of us worry about where the jobs are of the future, if our kids aren't educated, we're just not going to make it.

#### SINGLE SEX EDUCATION AND TITLE IX

So I'll submit my statement, but I do have a number of questions that I want to ask the Secretary while I have a few minutes here. And the first one, during the passage of No Child Left Behind, you will remember that we reached a bipartisan agreement on single-sex education, and in that we said that schools may provide single-sex programs as long as they are consistent with applicable law, title IX and the U.S. Constitution, and requires the Department of Education to provide guidance on that applicable law.

That law does not direct the Department of Education to change the title IX regulations, but yesterday you released the new proposal to amend 30-year-old title IX regulations on single-sex education. Current law single-sex programs allow such programs when appropriate, but contain protections against sex discrimination. The proposed regulations would dispense with meaningful, anti-discrimination protections and authorize schools to provide alternatives for girls that fall far short of equality. In fact, I believe that the No Child Left Behind would prohibit the adoption of the Department's new proposals.

In the press release announcing the change, you even admit that research on students' performance in single-sex education programs is inconclusive. It seems to me this is déjà vu all over again. In 2002 and 2003, the Department of Education spent hundreds of thousands of dollars to form a commission to look at title IX athletics regulations, and when it was all said and done, thankfully no changes were made to the law due to a strong, bipartisan, and grassroots effort to support title IX.

It seems to me that spending money and efforts on the Department—by the Department of Education helping States implement No Child Left Behind to close the achievement gap would be a much higher priority than throwing out longstanding anti-discrimination laws potentially broadening the achievement gap for our Nation's girls and boys.

Mr. Secretary, wouldn't you agree with me that the Department's efforts should be somewhere where we really need them to focus on right now?

Secretary PAIGE. Senator, with all due respect, I completely disagree with you. May I say first that the administration's position on title IX was brought together based on what the administration thought is best for the country, not because of pressure from any group. We studied the issue, we listened to the Nation speak, we considered all the information that they brought up, we considered their point of view and what we were trying to accomplish. We have great respect for title IX and what it has brought to our Nation, and we want to only build on that and make matters better.

So I don't want it to be viewed that the administration's output on the title IX issue resulted from pressure groups bringing pressure for one point of view or another.

Senator MURRAY. Oh, I don't think—I didn't imply that at all. But there was strong bipartisan support to—at that time, grassroots support that the commission listened to and ended up supporting title IX.

Secretary PAIGE. Well, that's—

Senator MURRAY. I don't call that outside pressure groups. I call it this country.

Secretary PAIGE. That was our goal, to listen to the country, and that's why we had an outstanding panel go around the United States and conduct hearings and listen to the country and take that into consideration. So our listening and taking into consideration is what brought us to the conclusion that we came to.

#### NO CHILD LEFT BEHIND AND SINGLE SEX EDUCATION

With respect to single-sex schools and single-sex classrooms, our view is that it expands opportunities for the development and achievement of No Child Left Behind as a goal. Many young girls—I met many of them in New York when I attended the Young Women's Leadership School, who felt that they were being left behind, and only were able to catch up because of the existence of that school.

So we are, without coercion, simply trying to expand opportunities for communities and systems who choose—

#### “SUBSTANTIALLY EQUAL” CLAUSE

Senator MURRAY. Mr. Secretary—

Secretary PAIGE [continuing]. To have an environment like that.

Senator MURRAY [continuing]. Let me just say that my concern is that under your proposal you use substantially equal rather than the protections that we have under title IX under No Child Left Behind. The term, substantially equal, concerns me a great deal.

Mr. JONES. Senator, the provisions in No Child Left Behind were obviously to reaffirm the protections of the Constitution, and the protections of the title IX statute itself, but also to recognize that the regulations under title IX are something at the discretion of the implementation or the implementers of the law within the public notice and comment process.

When those regulations were originally put in place, the limit of what was known about single-sex education was somewhat more narrow than it is today, but it—

Senator MURRAY. Well, but you even in your report say that the research is inconclusive. Mr. Secretary, I have a few other questions. Let me just say I am deeply opposed to your proposal.

Secretary PAIGE. Thank you. We would—

Senator MURRAY. The words, substantially equal, to any one of us who have been through this process for a lifetime—

Secretary PAIGE. Senator—

Senator MURRAY [continuing]. Leaves us with great concern—

Secretary PAIGE. We would—

Senator MURRAY [continuing]. For what the future's going to bring.

Secretary PAIGE. We would invite continued discussions with you around your concern.

Senator MURRAY. Okay. And I would, I'd love to have you come in and talk with me about this, but we will have further discussions. I think the term, substantially equal, leaves many of us very concerned.

Secretary PAIGE. We would welcome continued discussions.

#### EDUCATIONAL VOUCHER PROGRAMS

Senator MURRAY. All right. Let me ask you too, because the President's budget includes funding for vouchers, which were rejected when we had our long debates and battles throughout No Child Left Behind. At the end of the day, No Child Left Behind rejected vouchers, but the Bush budget again includes \$50 million for the Choice Incentive Fund and \$14 million for the D.C. voucher program, when even the Senate never voted on these programs.

I just don't understand how you can repeatedly abandon public education by giving just 1,700 students \$7,500 to attend schools that are unaccountable to students and their families and the Department of Education, and meanwhile we can't even increase Pell grants for low-income students to help them, especially at a time when we know that getting education at a higher level is important.

It seems to me that we keep focusing on a narrow program, just as a matter of principle rather than trying to look at where we can put our dollars in a substantial way to help a number of students who are struggling today. And I know you and I disagree philosophically, but I remind you that when we debated the No Child Left Behind Act and passed that, the voucher discussion was an essential part of that, it was rejected at the end of the day, Congress said no, yet we keep seeing the Bush administration put money forward for it.

Secretary PAIGE. Senator, it's because we believe that it adds to the possibility of authentic school reform. We think that the proposals we put forth are to benefit public schools, not to detract from public schools. We think public schools, when bound in the kind of monopolistic organizational structures that they operate in now, that this penalizes them and constrains innovation and constrains creativity. And that is why we keep pushing for broader choice. We think in an environment with broad choice, public schools will prosper.

Senator MURRAY. Mr. Secretary—

Senator SPECTER [presiding]. Senator Murray, you're about 3½ minutes over now.

Senator MURRAY. Okay.

Senator SPECTER. How much longer would you like?

#### PREPARED STATEMENT

Senator MURRAY. Well, I have questions, a number of questions. I'll submit my questions for the record. I would just say that it seems to me when we have our debates within the No Child Left Behind Act, at the end of the day we agree on it, and then we keep seeing the budgets come back outside of what we all agreed on, for No Child Left Behind. It leaves all of us disconcerted.

Thank you, Mr. Chairman. I apologize for going over my time. I will submit my questions for the record.

[The statement follows:]

PREPARED STATEMENT OF SENATOR PATTY MURRAY

Mr. Secretary, thank you for coming to talk with us today about the President's fiscal year 2005 education budget request. I am concerned about overall funding levels for education. Instead of providing real funding for critical education programs, the President robs Peter to pay Paul by cutting funding from some programs and adding it to others, expecting it to count as an increase. Further, the President continues to fund unproven private school voucher schemes, but cannot seem to fund after school programs or provide increases for Impact Aid.

In fact, the President's budget only increases NCLB programs by \$1.8 percent over the fiscal year 2004 Omnibus Appropriations bill—shortchanging the reforms included in the bill by over \$9.4 billion. The level of Title I funding in the President's budget leaves more than 4.5 million low-income children behind. In Washington State alone, the difference between the President's request and the promise of NCLB means that over 27,000 low-income students will be left behind. Currently, secondary schools only receive 15 percent of Title I funds so we are shortchanging education at all levels when we shortchange Title I. I was pleased that the President wants to provide funding for math gains in secondary education, but we need to be putting real funding into our high schools. Our high schools need increase funding for literacy and counseling to ensure that our students have the skills and knowledge for true access to higher education and training.

The President's budget eliminates 38 programs including dropout prevention, elementary and secondary school counseling, smaller learning communities, and important literacy programs like Even Start. The President's budget request also freezes critical education programs, which is actually a cut in funding with increasing enrollments and other costs to run schools and programs. The President froze funding for Impact Aid, after-school, Teacher Quality, migrant education, and rural education. At a time when thousands of soldiers and reservists from Washington State—more than a 130,000 from around the country—are serving in Iraq and Afghanistan, I am shocked that this President would level fund Impact Aid instead of increasing funding to make sure their families are well cared for in our communities and schools. Further, funding after school at the President's request will mean 1.4 million students will be without a safe, adult-supervised environment after school.

The President's budget does not fully fund our share of special education costs, failing yet again to fulfill that commitment to our communities, our schools and our disabled students.

Under the President's budget funding for higher education programs continue to stagnate. The President should not punish students for increasing college costs by not increasing Pell grants.

We know what the needs are out there. We know what works to help our children succeed. That's why I'm so disappointed that the President's budget shortchanges America's students, and shortchanges our country in the long run.

Senator SPECTER. Thank you very much, Senator Murray. Senator Landrieu, I understand you have 2 minutes left.

PUBLIC SCHOOL CHOICE FUNDING

Senator LANDRIEU. Thank you. I'm going to try to get in two questions if I can. Mr. Secretary, to follow-up on my original comments, in your budget you make mention of the fact that there are 2.5 million children eligible for transfer to higher performing schools, yet the budget only reflects a \$27 million figure for public school choice.

There is an additional \$50 million for public school choice and private school choice, but only \$27 million for public school choice. Just putting the pencil to it, at \$10,000 a student, which in some areas may be too high, some areas may be too low, my math would say that we'd need to come up with \$25 billion. So how did you all come up with the \$27 million figure to help 2.5 million children who to date have been identified as eligible? How did we arrive at that figure?

Secretary PAIGE. Well, the \$27 million you refer to is over and above the dollars available under the title I allocations, which each district has. So that is not limited to \$27 million.

Senator LANDRIEU. But our title I, based on just the basic, is short \$160 million, just the title I under Leave No Child Behind, and now in addition we have just in our State 35,000—

Secretary PAIGE. Is short? What do you mean by short?

Senator LANDRIEU. Shorted based on the commitment that this administration made to fund No Child Left Behind.

Secretary PAIGE. Please explain. I'm not sure I understand.

Senator LANDRIEU. Well, the Leave No Child Behind Act is about \$9 billion short based on the agreement that was made, if reforms were put in, the resources would be there.

#### TEACHER CERTIFICATION

But let me ask my second question. Again on teachers, one of the points of No Child Left Behind that the White House insisted on, and I actually agreed to with some hesitation, was that all teachers would be certified by 2005. Now, I had 40 percent of my teachers uncertified, but I was willing to say, okay, in 3 years we'll get them certified, and the White House said, we'll help you do it.

I look at this budget and title II, teacher quality, is flat-funded. So what should I tell the 40 percent of my teachers that need to get certified?

Secretary PAIGE. You may say to them that this budget—

Senator SPECTER. Mr. Secretary—

Senator LANDRIEU. Could he answer the question?

Senator SPECTER. The time is expired, but you may answer the question.

Secretary PAIGE. You may say to them that, this budget has \$5.1 billion in it to support teachers, and if the States decide to use those dollars for certification purposes, the flexibility is there to provide opportunities for them to do that, and the \$5.1 billion to support teachers is historic in its level.

Senator SPECTER. Thank you, Senator Landrieu. Senator Hutchison.

#### STATEMENT OF SENATOR KAY BAILEY HUTCHISON

Senator HUTCHISON. Thank you, Mr. Chairman. Mr. Secretary, I applaud that you are coming forward with the regulations on single-sex schools as an option for public schools to be able to meet the needs of individual children in school districts. This is not a mandate. This is another option. If a school district, because of input from parents or principals or teachers, believes that they have behavioral problems or specific problems that single-sex classes or schools would address, they would have the option to do it.

#### SINGLE SEX EDUCATION

In the Washington Post this morning, there is the picture of Moton Elementary School that on its own decided to go to single-sex classes in 2001—2000 or 2001—and they are now—they were at the bottom of the achievement measures in the District of Columbia and now they're at the top, and they credit the opportunity



to have single-sex classes for doing that. It was 2001 that they started this program.

So yesterday you did come out with the regulations and you will have public comment, and I know, maybe there's a disagreement on the specific language, substantially equal, but the purpose was to assure that you could offer classes that are tailored to boys or girls and not have a requirement of equality when that would defeat the purpose of offering specialized courses.

So I applaud the effort that you are making, and this is the language in your regulations that are proposed: Single-sex classes will be permitted as long as they are part of an even-handed effort to provide a range of diverse educational options for male and female students, or if they are designed to meet particular identified educational needs.

So, Mr. Secretary, I hope you are going to pursue this. You have a 45-day comment period, which is expedited because if a school district wants to offer this option, they will be able to plan for the next school year. My question to you is this. Are you going to have funding under the title that allows for funding creative programs to help some of these schools implement these single-sex schools and classes?

Let me go further and just say that Houston is already offering in their public schools a boys school. Dallas is on the brink of offering a girls school and the headmistress of the finest girls school in North Texas, Hockaday School, has said that when she retires in July of this year, she is going to volunteer her time to create a girls school in the public school district, Dallas Independent School District.

So I am so happy that they are going to have this chance, and I would like to know if there will be grants available for people who are trying to be creative and offer these options to the people that attend public schools throughout America?

Secretary PAIGE. Thank you, Senator, and we are going to move forward with this. We are now awaiting the 45-day comment period. As soon as we receive those comments we're going to move faster, for the issues involve other agencies. The Justice Department was involved as well. But now it's in our court, so you can expect that we're going to move with dispatch with this.

Senator HUTCHISON. Will there also be grants available?

Secretary PAIGE. The answer is yes.

Mr. SKELLY. Senator, money is available under the State grants for innovative programs budget, a continuing grant program of approximately \$297 million.

Senator HUTCHISON. Well, thank you, because, you know, so many schools—Secretary Paige, you visited the Young Women's Leadership School in Harlem with me, and that school is in a part of New York that has a very low rate of graduation and college attendance, and in fact, since that school was created, every graduate, every graduate has gone to college, every one. And 60 Minutes has interviewed those girls and they have applauded the opportunity that they have, so I just am very pleased that you are moving forward and it can't be fast enough.

I would say to my colleagues who are concerned about the language, why not try it? We have had failing schools for 25 years in

this country and we have had people throwing up road blocks to innovation and creativity, so let's try and see if we can work with this language. Nobody wants schools or classes to be inferior for boys or girls. This is America, so let's be creative, and I applaud your efforts in what you're doing.

It appears that my time is up, but I hope that we will finalize those regulations so school districts will have the option, not the mandate, to go forward with hopefully creative grants that will give us more knowledge about the benefits that can be given—gotten from creativity in our public schools.

Thank you, Mr. Chairman.

Senator SPECTER. Thank you, Senator Hutchison. Senator Kohl.

#### STATEMENT OF SENATOR HERB KOHL

Senator KOHL. Thank you, Mr. Chairman. Secretary Paige, like many of my colleagues, I am also troubled by the funding levels in the President's budget for No Child Left Behind. We voted for that legislation because we believed it would provide a real chance for real reform. As you know, for the first time schools in States would be held accountable for results and the Federal Government promised that they would provide the dollars necessary to help them meet the new requirements.

#### NO CHILD LEFT BEHIND FUNDING LEVELS

Both the President and the Congress agreed to this and parents, teachers, principals, and administrators all expected that we would live up to our word. But now for the third year in a row, the President's budget falls short of the promise. His fiscal year 2005 budget request, as you know, is \$9.4 billion short of what was discussed and we believe promised when the No Child Left Behind law was enacted.

You and the administration have stated that schools have plenty of money to implement the laws. Let me tell you just a little about what's happening in my own State of Wisconsin. In 2003, Mr. Secretary, Milwaukee public schools received an \$8 million increase in title I funds, but the new requirements for supplemental services and transportation for students to better performing schools cost over \$10 million. In other words, the new mandates cost \$2 million more than the total increase the Milwaukee Public Schools received, and they had to make up the difference. To cover the costs, they were forced to eliminate their popular summer school program, which had served 17,000 students.

This is only one example. Across Wisconsin, school districts are being forced to cut staff and increase class sizes, cut music, art, foreign language education, and cut textbook purchases. Some have even had to keep their schools colder, believe it or not, to cut down on their heating bills, or restrict how many pages students can print from their computers. These are clearly not the results that we all want.

Problems exist also at the State level in Wisconsin. Our State Department of Public Instruction is working hard to implement the new law, but they believe they'll need more funding to create new data systems to meet new data collection and reporting require-

ments. They'll also need more funding for technical assistance teams to help schools and districts in need of improvement.

In a recent Washington Post op-ed, you argued that studies show that No Child Left Behind funding is sufficient. Many researchers, however, argue that you are underestimating the huge new cost that schools are facing. The President himself agreed to higher funding levels when he signed No Child Left Behind. He agreed that those authorized funding levels were needed to help schools succeed.

So I have a problem with people in my State who wonder what you would say in response to the statement that I just made.

#### AUTHORIZATION VS. APPROPRIATION LEVELS FOR NCLB

Secretary PAIGE. Senator, I'm confused by the word "promise," and I've asked clarification on that on many occasions, and some have pointed out that they view the authorizing level as a promise. And when I look up what that really means, I found that it means that you can spend no more, but it does not say that you must spend that much as a promise. In fact, I've been able to identify without much effort lots of examples where there's a difference between the appropriated level and the authorized level, and I have found that it has been consistent throughout various administrations, both Democrats and Republicans, where this delta appears. And this is the first time that I've been able to understand it being characterized as a promise.

The second point would be that my experience as a superintendent tells me that all these schools are under extreme pressure as far as funding is concerned. I know what the superintendent is doing now in Houston without even talking to her. She is preparing their budget, and she is wrestling with how they're going to take care of their health care costs or how they're going to take care of the transportation cost that is increasing.

We empathize with all of that. But that has nothing to do with the requirements of the No Child Left Behind Act. There was one State that even indicated that in order to meet the requirements of the No Child Left Behind Act that they would have to have a laptop computer for every student. I would be pleased to have a laptop computer for every student, but it has nothing to do with the requirements of the No Child Left Behind Act.

The budget that the President has proposed has ample dollars in it to meet the needs and the requirements of the No Child Left Behind Act, and as you know, the Act has language in it that says, if it isn't funded, it isn't required. That would be my response to it, but I don't want to be perceived as not being empathetic to the fact that all of these schools are under real tight budget constraints now, and we empathize with that. But compliance with the No Child Left Behind Act is not responsible for many of those cost elements.

Senator KOHL. Well, the President's budget in 2005 is \$24.91 billion. The authorized—and we can debate what that meant—the authorized level was \$34.32 billion. The difference there is almost \$9½ billion. Now, I would agree with you the authorized level was not something that was legally put in that had to be met, but the implication was very clear to those of us who engaged in putting

together the law and signing it. You don't put a number in there unless you have some intention or some hope of seeing that number fulfilled.

As you know, yes, there's no legal requirement and we understand that and you're pointing that out. But clearly there is a perception out there, which I'm sure you can understand——

Secretary PAIGE. Absolutely.

Senator KOHL [continuing]. That we're being shortchanged, because that was the number that we put into that law.

#### RELATIONSHIP BETWEEN FUNDING AND ACHIEVEMENT

Secretary PAIGE. Could I just briefly say——

Senator SPECTER. Mr. Secretary, Senator Kohl's time has expired, but you may finish your answer.

Secretary PAIGE. I would just like to say very briefly that the assumption that there is a tight link between spending and student achievement has not been established. In fact, I can point out very easily many places where there is a very high average per-pupil expenditure and very low performance. Washington, D.C. public schools would be one example. I have examples here that I could provide for anyone who wants to have this information. There simply does not exist this tight correlation between those two variables.

In fact, I would go further and even say in some cases the argument about money may even be a destructive element in that it masks some of the real challenges that need to be discussed and looked at, and I have evidence of that in many places. But I don't want to be perceived as not wanting more money. I know the school systems want more money, and that's not my argument at all. I would like for them to have more money. My argument is that the requirements of the No Child Left Behind Act are sufficiently and amply funded in order to get those things carried out.

Senator KOHL. Thank you, Mr. Chairman.

Senator SPECTER. We've been joined by the distinguished ranking member, Senator Harkin.

#### STATEMENT OF SENATOR TOM HARKIN

Senator HARKIN. Thank you, Mr. Chairman. I apologize for being late.

#### WASHINGTON POST OP-ED BY SECRETARY PAIGE

I would just say, Mr. Secretary, that this budget, if enacted, will enact in the smallest increase for education in 9 years, short-changes title I by over \$7 billion, underfunds No Child Left Behind by \$9.4 billion and eliminates programs like school counselors, arts and education, and drop-out prevention.

There's a lot more I want to say, but just a couple of statements I want to make here before I ask a question. You wrote an op-ed in the Washington Post that talked about Members of Congress: ". . . who voted for the law and support its ideals but now see opposition as being to their political advantage." That was your statement in an op-ed piece in the Washington Post.

Well, I hope you weren't referring to me, Mr. Secretary. I voted for the law, I was involved in the negotiations that led up to it as a member of the authorizing committee, but I do have concerns about how the Department is implementing it and how it's funding it, and these concerns come from dozens of conversations I've had with parents and teachers from Iowa. You visited Iowa recently. You heard the same concerns I did. Just because I'm trying to address them doesn't mean I'm, quote, seeking political advantage. I'm trying to represent my constituents. That, Mr. Secretary, is what they elected me to do.

Now, you and I have always gotten along well, Mr. Secretary, and I respect you personally. Believe it or not, you and the White House don't always have all the answers to all these questions. You might learn something from people in Congress on both sides of the aisle and sometimes from our constituents, even those who disagree with you.

#### UNSPENT FEDERAL EDUCATION FUNDS

Here's one bit of advice I'll give you, Mr. Secretary. Stop making claims that States have billions of dollars for No Child Left Behind at their disposal that they aren't bothering to spend. You and I both know from your own Department statistics the States are spending the money that they get from the Federal Government as fast as they can, and yet you wrote that States are not fully utilizing the Federal education funds available to them in a timely manner, allowing billions of dollars to remain in the Federal Treasury instead of improving the education of our children.

You know full well, Mr. Secretary, the States don't spend Federal money as soon as it's appropriated. It takes time. It's like the situation where you put an addition on your house. It costs \$10,000, you don't pay for it all up front. You pay \$1,000 and you may pay a little bit later on, then you pay something at the end of the time when it's over with. Schools work the same way. They agree to contracts but they don't write the checks until the services are provided. You know that, and yet you're accusing States of sitting on their money.

Our chief school officer in Iowa, Ted Stilwill, responded in a letter to you in January and said: "the implication that we have let huge sums of Federal money languish, that the funds are at our disposal to use at our discretion, or that we have not been good stewards of the public's money is not only unfair, but patently insulting."

#### RATE OF STATE SPENDING

According to the data from your own Department, States are actually spending their Federal money faster than expected. I have a chart from your Department showing that as of February 20, using normal spending rates, States should still be waiting to spend about 7 percent of their money from fiscal years 2000 and 2002. As a matter of fact, States have spent all but 6 percent.

So, Mr. Secretary, if you know that States are spending the money faster than your own Department expects them to, why are you criticizing them for not spending it fast enough?

Secretary PAIGE. Senator, I hope that I can explain that, that's not characterized as a criticism. It is a statement of fact that I asked our office early in December to give me a report, and early in December they did give me a report, about December 12 or somewhere nearby. The report they gave me indicated that there was better than \$6 billion available that had been appropriated for various educational purposes that went all the way back to the year 2000. In fact, there are examples of some States who had money lapse that had been on the table so long that it was no longer available to them. So I was making that as a statement of fact, not as a statement of criticism.

Senator HARKIN. Well, facts are facts. They're stubborn things. This is from your own Department, Mr. Secretary, from your own Department.

Senator SPECTER. Senator Harkin, how much more time do you think you will need?

Senator HARKIN. Well, do we have another round?

Senator SPECTER. The Secretary has to leave at 11 a.m. and we have six people here, some superintendents who I would like to have him hear their testimony, but I don't want to cut you short.

Senator HARKIN. Well, I appreciate that, Mr. Chairman. This is very, very important because the allegation has been made by the Secretary, and I have the figures right here from your own Department, I have these figures. Now, yes, there is \$6 billion, but as I said, Mr. Secretary, they don't spend this money as soon as they get it. They have 27 months in which to spend this money, 27 months. Obviously they haven't obligated yet. They're spending it as it goes out.

#### SPENDING RATE BY STATES OF FEDERAL EDUCATION FUNDS

Your Department expected, as I said, that 7 percent would still be unspent. They now have 6 percent left of the total amount of money, so they're spending it even faster than your own Department anticipated, and yet you say, and I'm only saying what you wrote, that they're not utilizing these Federal education funds available to them. I don't know how you explain this. I don't know how you explain it, Mr. Secretary. Whoever you asked for this gave you some very, very bad advice.

Senator SPECTER. Senator Harkin, would it be sufficient if the Secretary responded for the record?

Senator HARKIN. Yes, I would appreciate that, and as long as you're responding for the record, I would like to have the Secretary respond to the fact that there is \$1.5 billion cut in the President's budget from fiscal year 2005 to fiscal year 2006, and I'd like to know where you're going to find that \$1.5 billion.

Senator SPECTER. Will you respond for the record, Mr. Secretary?

Secretary PAIGE. Yes. I'll have Todd respond to the first point.

Senator SPECTER. Anything further?

Mr. JONES. Senator Harkin, the issue of draw-down—

Senator SPECTER. I want the response—I'm sorry, Mr. Jones—for the record because we're very short of time so we can honor our commitment to the Secretary to leave at 11.

[The information follows:]

## UNSPENT FUNDS

President Bush and the Congress have provided unprecedented levels of funding to implement the No Child Left Behind Act (NCLB Act). In fiscal year 2002—the first year of implementation—funding for the Elementary and Secondary Education Act programs reauthorized by the NCLB Act increased by \$4.6 billion, or almost 27 percent. Subsequent increases in fiscal years 2003 and 2004 have raised the total increase to \$6.9 billion, or 40 percent, since the NCLB Act was signed into law. Nevertheless, many critics continue to insist that the new law is underfunded, and even cite this alleged underfunding as an excuse for not fully meeting the law's requirements.

In this context, the Administration and the Department believed it was appropriate to point out that States and school districts have not yet spent very significant portions of already appropriated Federal education funds. Our intention in publicizing the facts about these unspent funds was not to imply any wrongdoing or negligence on the part of State or local officials, but simply to show that there is a great deal of money in the pipeline, with about \$6 billion remaining from 2000 through 2002 and billions more available from the 2003 and 2004 appropriations. The point is especially important because these balances contrast with the claims from some State and local officials about the inadequacy of these record Federal appropriations increases.

The availability of this very substantial, multi-year funding for the NCLB Act is important, because major provisions of the law are being phased in over time. For example, States were not required to implement the new reading and mathematics assessments in grades 3–8 until the 2005–2006 school year. Similarly, veteran teachers have until the end of the 2005–2006 school year to demonstrate that they are highly qualified. In this context, data showing that States and school districts are still drawing down 2002 funds simply provides another perspective that we believe helps demonstrate that the law is adequately funded.

As for the Senator's concern about 2006 funding levels for Federal education programs, I would note that outyear figures in the President's budget are primarily for planning purposes. The Department will begin developing its 2006 request later this spring, and that process will provide another opportunity to address concerns about the appropriate level of funding for fiscal year 2006.

Senator SPECTER. We've been joined by the distinguished chairman of the full committee, Senator Stevens.

## STATEMENT OF SENATOR TED STEVENS

Senator STEVENS. Mr. Secretary, I'm very pleased to be able to get here today so I can express my appreciation to you for what you're doing and I think you're doing a marvelous job.

Secretary PAIGE. Thank you, Senator.

## ALASKA'S EDUCATION CHALLENGES

Senator STEVENS. Your visits to Alaska have been really a breath of fresh air to deal with the challenges that we face in Alaska. We have one-fifth of all the land mass of the United States and we have over 750,000 people. We are committed to making No Child Left Behind work in Alaska, and thanks to you and what you've done, I think we'll be able to achieve that goal.

Our schools want to meet the high standards set forth in No Child Left Behind legislation and we're looking forward to working with you even more to find ways to bring that about. Unfortunately, as you found out, in too many of our schools English is the second language, and also, we have too many schools where we don't have any teachers right now because of the lack of teachers that are willing to go to the rural areas. Thankfully, you came up and looked and found, along with my colleague, Senator Murkowski, Lisa, who really deserves a lot of credit for what the two of you have done really in finding out one of the reasons they

weren't staying was because they didn't have adequate housing. I think you found one teacher living in a broom closet.

Secretary PAIGE. In a closet, yes, I did.

#### ALASKA NATIVE EDUCATION EQUITY ACT

Senator STEVENS. Now, we're anxious to work with you and I'm pleased that your budget contains funding for the Alaskan Native Education Equity Act. Those programs will bring opportunities to these native students who are out in rural Alaska, and we will meet the requirements of this bill by tele-education, by utilizing Internet and direct access. All of these schools are hooked up to the Internet now. We can have live presentations from qualified teachers with master's degrees and Ph.D.s in our Alaska universities throughout the State.

#### CAROL M. WHITE PHYSICAL EDUCATION PROGRAM

But your budget also contains continued funding for the Carol White physical education program, that is named after my former chief of staff who's now the longest living person after a brain tumor operation in the world. So we are delighted. This program really is a great joy to her to read about and I want to thank you for that.

#### PHYSICAL EDUCATION AND OBESITY

One of the things I would like to ask you about—as I try to move around the country and particularly around my State, we're moving forward in education, we're moving backward in obesity. Have you thought about doing anything more to bring the concepts of physical education and discipline to our schools to try to teach our children when they're younger about the basic essentials of exercise and diet?

I read—we all read every day more and more stories about how we are exceeding the world in obesity. I would hope it would be part of the educational program that you foster as you develop this No Child Left Behind to deal with the obesity factors that do affect the outcome of the education that we're seeking to give our children.

#### INCREASED NCLB FLEXIBILITY FOR RURAL AND SMALL SCHOOLS

Secretary PAIGE. Senator, thank you for inviting me to Alaska. We learned much there, and especially about the need to have more flexibility under the highly qualified teacher elements of the No Child Left Behind Act. We have provided some flexibility already, but you can expect in the next 10 days an additional announcement that will provide additional flexibility that is aimed primarily at helping rural and small schools meet the No Child Left Behind Act requirements.

#### EPIDEMIC OF OBESITY

With respect to obesity, we're very concerned about that. There's an epidemic of obesity, even in our young people. My colleague, Tommy Thompson, and I are in the process of discussing ways that we can be helpful. We are collaborating in developing some strate-



gies and some ways that we can try to stem what we think is a very dangerous, very dangerous trend that's going on now.

Senator STEVENS. Well, if you need any additional flexibility under existing law to deal with that, I hope you'll talk to the chairman or to me, because I think that one of the keys to the success of the No Child Left Behind Act is to develop children that are capable of retaining their education, and they can't do it if they're suffering from obesity, in my opinion.

Last, I want to go on record and invite you to come back, as a matter of fact. I was out in some villages and they told me to stay home and send you and Lisa back.

Secretary PAIGE. We'd enjoy it. We enjoyed our stay there and would enjoy going back again sometime.

Senator STEVENS. Well, I'm serious. There's some other things we'd like to work with you on to make sure this law works. I went to the State legislature this year. We have a strange procedure in Alaska. We speak to a joint session of the State legislature. And I told them: "We do not need your request to modify this law, we need your cooperation to work with Secretary Paige to make it work." So we—again, we thank you. I think you're doing a marvelous job, Mr. Secretary.

Secretary PAIGE. Thank you.

Senator STEVENS. Thank you, Mr. Chairman.

#### INCREASES IN THE FISCAL YEAR 2005 EDUCATION BUDGET

Senator SPECTER. Thank you very much, Senator Stevens. Senator Hutchison asked me to point out for the record that the President's proposal of \$13.3 billion for title I grants to local education agencies is an increase of \$1 billion, or 8 percent, over last year. The proposal of \$11.1 billion for individuals with disabilities is an increase of \$1 billion, or 9 percent, over last year. And the President's proposal of \$73 billion for postsecondary student aid is an increase of \$4.4 billion, or 6 percent over last year. And also that historically black colleges and universities have had an increase of 30 percent by 2005, nine such colleges in her State of Texas, and that for Hispanic-serving institutions, in fiscal year 2005 the request is \$96 million, which is a significant increase.

#### TEEN SUICIDE

Mr. Secretary, I'd like you to answer one more question for the record and that is on the issue of teen suicide. In a small, rural Pennsylvania county, Potter County, there were three teenage boys who committed suicide and they did not appear to be linked in any way except that they were troubled youth who needed counseling.

In our committee report last year, we urged you to make availability screening programs more widely known and to encourage school districts to implement similar teenage programs. We have received a report, one page, which is, I think fairly stated, not adequate in response to that request or that issue and I would appreciate it if you would supplement that for the record.

[The information follows:]

## SCREENING PROGRAMS FOR TEENAGERS

The Department is taking several steps to make school districts, juvenile justice facilities, and community-based organizations aware of and encourage them to use screening tests to detect depression, risk of suicide, and other mental health disorders in teenagers.

## RAISING AWARENESS OF EXISTING PROGRAMS

The Department's Office of Safe and Drug-Free Schools (OSDFS) has worked with the Columbia University "Teen Screen" program ([www.teenscreen.org](http://www.teenscreen.org)) to make school districts more aware of tools that are available to screen students for depression, suicide ideation, and other mental disorders. The Columbia Teen Screen program was developed in 1999 by Columbia University and a range of national and community partners to identify youth who are at risk for suicide and/or suffering from undiagnosed mental illness, and to help them obtain appropriate treatment. The ultimate goal of the program is to ensure that all youth are offered a mental health check-up before graduating from high school.

In October 2003, staff from the Columbia University Teen Screen program made a presentation at the OSDFS National Conference. The presentation provided conference participants with an overview of the problem of youth mental illness; information about why it is necessary to screen for youth mental illness; information about the Columbia Teen Screen program, including how it has been implemented in schools and the results; and how participants can bring this program to their own schools. Several school representatives contacted the Columbia program after hearing about it through the OSDFS conference.

The Department will feature the Columbia Teen Screen program on the agenda for the April 2004 Safe Schools/Healthy Students Conference (scheduled for April 26–30, 2004) to promote the screening program. The Safe Schools/Healthy Students initiative is a discretionary grant program that is jointly sponsored and funded by the Departments of Education (ED), Health and Human Services (HHS), and Justice (DOJ), and supports local educational agencies and communities in developing and implementing comprehensive programs that create safe, disciplined, and drug-free learning environments and promote healthy childhood development.

In fiscal year 2003, ED and HHS awarded more than \$161 million to 89 Safe Schools/Healthy Students grantees in communities across the Nation. These funds support locally developed comprehensive plans that address the following elements: (1) Safe School Environment, (2) Alcohol and Other Drugs Violence Prevention and Early Intervention, (3) School and Community Mental Health Preventive and Treatment Intervention Services, (4) Early Childhood Psychosocial and Emotional Development Services, (5) Educational Reform, and (6) Safe Schools Policies. The mental health element of the Safe Schools/Healthy Students comprehensive plan has a dual purpose: (1) to provide mental health preventive services early to reduce the risk of onset or delay the onset of emotional and behavioral problems for some children; and (2) to identify those children who already have serious emotional disturbance and ensure that they receive appropriate referral, treatment, and follow-up services.

At the Safe Schools/Healthy Students Conference on April 24, 2004, Columbia Teen Screen will present a session called "Suicide Prevention: Who's At Risk?" This workshop will offer an opportunity for Safe Schools/Healthy Students grantees and for grantees from the HHS Youth Violence Prevention and Mental Health Targeted Capacity Expansion Grants programs to learn more about the Columbia Teen Screen tool. This information may be particularly helpful to any grant site that has not already adopted a suicide risk screening tool, or is interested in learning more about other existing screening tools.

In addition to the specific workshop about the Columbia Teen Screen program, several of the other 232 workshops offered throughout the 3-day Safe Schools/Healthy Students conference will address the prevention of mental health issues in young people. For example, in another workshop that will be offered multiple times throughout the conference, the National Suicide Prevention Resource Center will address current issues in the prevention of youth suicide. The Rhode Island Department of Children Youth and Families will offer a session about youth with mental health issues who are transitioning out of the juvenile justice system. The National Mental Health Association will present a session about training communities around the language of mental health. These are just a few examples of the mental health disorder screening and prevention issues training opportunities that will occur at this spring's Safe Schools/Healthy Students Conference.

## IDENTIFYING DISTRICTS FOR SCREENING PROGRAMS

The Department will also work with the Teen Screen program to identify school district sites where this type of program has a likelihood of success. Because resources are limited and as not all communities have to have the ability to provide mental health services to those who need them (which is a requirement of the screening program), advocacy for such screening tests needs to be targeted appropriately if it is to have the greatest possible effect. By way of example, the Columbia University Teen Screen program will provide assistance to applicants for Project SERV (School Emergency Response to Violence) grants. Project SERV provides education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis.

Since the beginning of the 2003–2004 school year, the Department has received requests for Project SERV funding from four school districts in response to student suicides: Three of the four districts experienced multiple suicides within a calendar year; the fourth district experienced a student suicide on campus during school hours. In each instance, the learning environment was severely impacted. Requested services for responding to each incident consisted primarily of student mental health screening; grief and suicide prevention counseling; and information sessions for parents, students, and teachers regarding suicide prevention. Columbia Teen Screen program staff members are in contact with three of these school districts about how their program services can help with some of the recovery efforts. OSDFS will continue to work with Columbia Teen Screen to identify other school districts that may be able to benefit from the program's resources.

## HIGHLIGHTING SCREENING PROGRAMS IN GRANT APPLICATION PACKAGES

The OSDFS is reviewing relevant announcements for upcoming Department of Education grant competitions so that language about screening programs can be included in grant application packages where appropriate. For example, the Safe Schools/Healthy Students Initiative (discussed earlier) published a Notice of Proposed Priority for the fiscal year 2004 grant competition in the Federal Register on March 18, 2004. Under the proposed priority, grantees would be required to provide for school and community mental health preventive and treatment intervention services, which could include screening programs to detect depression and other mental health disorders. In addition, one of the proposed requirements for the competition is that grantees and their local public mental health authority sign a memorandum of agreement in which the local public mental health authority must agree to provide administrative control and/or oversight of the delivery of mental health services. This agreement also must state procedures to be used for referral, treatment, and follow-up for children and adolescents with serious mental health problems. Accordingly, we will include guidance in the application package to urge applicants to consider including screening for depression and other mental health disorders in their overall comprehensive plan.

## ADDITIONAL STEPS

Over the next few months, we will pursue additional steps in this area. For example, we have discussed coordinating the Department's efforts on mental health screening with the HHS Center for Mental Health Services (CMHS). We understand that CMHS plans to support mental health screening activities with its own funds, and there is an opportunity to work collaboratively with them on this effort.

We will also make our Safe and Drug-Free Schools and Communities State coordinators more aware of what mental health screenings are, how they can be used, and the positive benefits they can have for youth so that they can disseminate this information to school districts and communities in their States. Toward that end, we intend to allocate a small amount of Safe and Drug-Free Schools and Communities National Programs funds this year to develop a short publication on mental health screening strategies that we would publicize and make available, for example, on the Department's world wide web site over the Internet as well as in print.

Senator SPECTER. We now have a second panel and five of our witnesses are going to be talking about the No Child Left Behind Act, so, Mr. Secretary, if you and your two colleagues would come up and sit on the panel here with us, it would be a good vantage point to listen to the witnesses, and it is my request, as you know, for you to hear what they have to say.

**STATEMENT OF JAMES WEAVER, PRESIDENT, PENNSYLVANIA STATE  
EDUCATION ASSOCIATION**

Senator SPECTER. I want to move now to the introduction of the first witness, Mr. Weaver, president of the Pennsylvania State Education Association, coordinator for the Social Studies Department at the State College Area School District, bachelor of science from Lockhaven College and master's from Pennsylvania State University. Mr. Weaver, your 5 minutes begin right now.

Let me ask Dr. Melissa Jamula, Dr. Jim Scanlon, Dr. Marie Slobojan, Dr. Paul Vallas, Mr. Sam Evans, and Dr. C. Delores Tucker also to take seats at the witness table. Thank you for joining us.

Mr. Weaver, I wanted the Secretary to hear what your concerns are about the No Child Left Behind Act.

Mr. WEAVER. Thank you, Senator Specter. I appreciate the invitation to be here this morning to share some thoughts regarding No Child Left Behind. I do especially want to thank you for inviting those of us from Pennsylvania who have been working back home in Pennsylvania to do our best to make every school a good school and provide quality education for everyone.

Senator SPECTER. This hearing responds to a meeting which was held earlier this week in southeastern Pennsylvania, so I called the Secretary and he graciously agreed to stay on to hear your concerns. Nothing like having the Secretary's ear, Mr. Weaver.

Mr. WEAVER. That's correct. Well, what I'd like to share with you really is not so much from the perspective of being president of the Pennsylvania State Education Association but really being a teacher and being a teacher who represents other education support personnel folks and other teachers.

**NO CHILD LEFT BEHIND ACT**

Really it deals with the frustration that educators have with the law, and quite frankly that frustration often brings my colleagues to tears when they see what is happening not only to their students in terms of the testing requirements but also to the quality curriculum that they feel is being abandoned as a result of the law.

There are a number of things wrong with the law and we believe many of the issues can be corrected, but the problem of a one-size-fits-all kind of approach for not only how students learn and how they can be assessed in terms of their proficiency, that is a fundamental flaw of the law and it's fundamentally wrong in what the impact is on the programs that are being taught back in our school.

Every child can learn, but also every parent and every teacher knows that every child does not learn at the same rate, does not achieve at the same rate, nor in the same way. I've had teachers tell me that the pressure on their schools to meet adequate yearly progress both in math and reading is so strong that they're pressured really to teach little else but what is going to be taught on the test.

We recently gathered a group of our members along with some administrators back in Harrisburg together to discuss the law. During the course of the discussion, several of the comments that were made I think are revealing. One teacher said the PSSA test is dominating my classroom. Each year as the stakes get higher I

spend more time on how to take tests than teaching my curriculum, and for those that may not be familiar, PSSA is the State-prescribed test in Pennsylvania that we use to demonstrate adequate yearly progress.

Another teacher said, and this is—well, it's just shocking—we have a gun at our heads. We must meet the requirements but we don't have the tools or the funding to offer the interventions that are proven to help children. Even our vocational technical school educators point out that they're not teaching all the important skills in many of their programs, their vocational skills, because they're now working to ensure that their students pass the math and reading test, and they believe they're sending out their students with less skills in their technology areas now than before the law was enacted.

Probably most important is a special education student—or teacher—said, important life skills curricula that are being sacrificed to teach to a test that really doesn't measure the identified goals of the IEP. But probably the most resounding and discouraging, disheartening statement that I hear a lot from my members is that they feel they're being set up for failure by No Child Left Behind.

#### PREPARED STATEMENT

I'm mindful of my time, so I'll say that educators don't object and do not fear accountability, but they do understand that trying to boil down the complicated process of educating a child to a specific test score is at best problematic, if not downright impossible. We believe that we need to remove the threat of No Child Left Behind and replace it with a helping hand, replace it with things like fully-funded programs that work, replace it with the encouragement of our teachers and our school support professionals and our administrators—

Senator SPECTER. Ten seconds left, Mr. Weaver.

Mr. WEAVER [continuing]. And our parents. Let's replace that, the threat of No Child Behind, with the encouragement of all those stakeholders in the education process.

[The statement follows:]

#### PREPARED STATEMENT OF JAMES R. WEAVER

Good morning Senator Specter and members of the committee. Thank you for inviting me here this morning. I especially commend Senator Specter for inviting those of us from Pennsylvania who are doing our best to make every public school a great one for our children. We have worked with Senator Specter for many years, and we know that you, Mr. Chairman, want what is best for our children.

I also commend the group of superintendents who showed great professional leadership by holding a news conference back in Pennsylvania this past Monday to draw attention to the failings of the No Child Left Behind Act.

Rather than repeat what I said at the news conference Monday, I'd like to spend my time focusing on what I'm hearing from the teachers and school support professionals about their frustrations with the Act.

And frankly, Senators, that frustration brings many of my members to tears when they see what is happening to their students and to the quality curriculum that is being abandoned as a result of this law.

There are a number of things wrong with this law—some of which can be corrected—but because it is focused on a one-size-fits-all approach for learning and for demonstrating proficiency, it is fundamentally flawed and it is fundamentally wrong in what it is doing to the programs in our schools. Every child can learn, but par-

ents and teachers know that all children do not achieve at the same rate and in the same way.

I have had teachers tell me the pressure on schools to meet Adequate Yearly Progress in math and reading is so strong that they are forced to abandon teaching anything other than what is to be tested.

We recently gathered together several of our members, along with school administrators to discuss this law. During the course of our discussion, one teacher said, "The PSSA test is dominating my classroom. Each year as the stakes get higher, I spend more time teaching how to take tests than teaching my curriculum." The PSSA is the state-prescribed test in Pennsylvania for demonstrating Adequate Yearly Progress.

Another teacher said, "We have a gun at our heads. We must meet the requirements, but we don't have the tools or the funding to offer the interventions that are proven to help children succeed."

Our vocational-technical school educators point out that they are not teaching all the important skills in many of their programs because they are working to ensure that their students pass the math and reading tests. They believe this law is causing them to send their graduates into the work force with fewer skills now than before this law was enacted.

A special education teacher had this to say: "Important life skills curricula are being sacrificed to teach to a test that does not measure the identified goals of the IEP."

The most resounding message that I receive from my members is that they have been set up for failure by NCLB. And that is very disheartening. Educators do not object to accountability. But they do understand that reducing the complicated process of educating a child to a specific test score is at best problematic, if not impossible.

Our National Education Association lobbyists have circulated to this subcommittee our recommendations specific to the education budget. I want to highlight briefly these points:

- Funds for Title I and special education must be funded at their promised levels, and

- The programs that work to improve student learning—many of which are eliminated by the proposed budget, must be continued and fully funded. These include Dropout Prevention, Gifted and Talented programs, School Counseling and Smaller Learning Communities. They all have a track record of success.

Before I end my remarks, I must mention the sanctions portion of the Act. Secretary Paige and his staff continually assert that the NCLB is based upon research.

One of the remedies for schools not making AYP is to convert them to charter schools. The law also allows for privatization of school services.

Where is the evidence that charter schools, that for-profit schools, that cyber schools, that private education services succeed in improving student performance? The evidence of the success of these so-called "remedies" does not exist. Yet these are the "remedies" for schools not making AYP.

We believe that if this Administration were interested in improving public schools for all children, if it were interested in making Great Public Schools for Every Child, it would focus less on punishment and more on what actually works.

It would provide the funds to reduce class size—especially in our schools which serve the most-difficult to reach students. It would provide initiatives for full-day kindergarten, and it would fully fund Head Start.

There is indisputable evidence that these programs make a difference in students' long-term success.

Frankly, Mr. Chairman and members of the subcommittee, I don't believe that the No Child Left Behind Act can be "fixed" as long as it is focused on punishment and abandonment and not on what will make our schools better for every child.

Our educators want a fair opportunity to show progress in their efforts. We need to remove the threat of No Child Left Behind and replace it with a helping hand. Replace it with fully-funded programs that work, and replace it with the encouragement our teachers, our school support professionals, our administrators, our students and their parents need to make our public schools great for every child.

Again, thank you for this opportunity to share my thoughts.

#### **STATEMENT OF DR. MELISSA JAMULA, SUPERINTENDENT, READING SCHOOL DISTRICT**

Senator SPECTER. We have to turn now to Dr. Melissa Jamula, superintendent of schools for the Reading School District. We'll put

your impressive curriculum vitae and statement in the record. Dr. Jamula, you have 5 minutes.

Dr. JAMULA. Thank you, Senator Specter, and thank you for the opportunity to speak with you today about No Child Left Behind. I would request that the testimony be submitted for the record.

As superintendent of a large urban school district, I strongly support the tenets that No Child Left Behind was created to support. I absolutely believe that all children can succeed and that public schools should be held accountable for that success. I believe that every child has the right to be taught by highly qualified teachers in a safe environment.

Those beliefs, as stated in No Child Left Behind, without question should be the hallmarks that drive our public education. But I also believe that there are specific mandates within the law that undermine the spirit of No Child Left Behind and truly discriminate against poor minority children and the schools that serve them, and I believe that Congress' willingness to address these mandates will be fundamental to whether or not No Child Left Behind goes down in history as a piece of legislation that significantly helped to improve the quality of education by all of America's children, or as legislation that derailed public schools.

#### READING SCHOOL DISTRICT

Today I would like to provide you with what I think to be a vivid example of how one school district is struggling without success to comply with the mandates of No Child Left Behind. I'm the superintendent of the Reading School District in Reading, Pennsylvania. Of the 501 school districts in Pennsylvania, we are the fifth largest. We have a diverse student body, 64 percent of our children are Hispanic, 19 percent are white, 15 percent are African-American, 2 percent are Asian or other nationalities. Of our student population, 12 percent are formally identified as students in the English language acquisition program and another 12 percent are formally identified as special education students.

About 3 years ago, the Pennsylvania Department of Education hired Standard & Poor's to compare data on the 501 school districts in Pennsylvania. In order for you to understand my grave concerns as they exist in No Child Left Behind, I need to have you please consider these facts about the Reading School District. Compared to the other 500 school districts in Pennsylvania, the Reading School District ranks in the 98th percentile for the percentage of students who are at or below the poverty line. We rank in the 99th percentile for children who have English as their second language. We are in the 100th percentile for mobility.

Last year, the Reading School District had 16,280 students. From the time we opened our doors in September until May 1, over 8,000 students either enrolled or disenrolled from one of our schools. We rank in the 100th percentile for our dropout rank. We rank only in the 1st percentile for adults in the community with a high school diploma, and conversely, in the 99th percentile for single-parent households.

We have a very needy student and community population, but although we are a poor community, we place high value on our children's education. The citizens of Reading make the highest local

tax effort in Berks County and are in the top 15 percent in the State of Pennsylvania, yet we're able to spend \$2,000 less per student than the average. We have a \$106 million general fund budget. If we could spend only the average of the State's spending per child, we could increase that budget by over \$33 million. In truth, if we could spend what our neighbors directly to the north of us spend, we could increase that budget by \$70 million.

To me it is unconscionable that in this country the quality of a child's education is determined by his zip code. For those who argue otherwise, I would ask you to consider these facts. Again, as compared to the other 500 school districts in Pennsylvania, the Reading School District is in the 93rd percentile for the number of students per teacher, the 92nd for classrooms with 30 or more children. We're in the 99th percentile for the number of students who need to share one computer. We're in the 99th percentile for students per administrator and the 88th percentile for our professional turnover rate.

We have many children with many needs, and as our teachers and our children are working so hard every day to close the educational gaps, these children have—when they enter our schools, they're being told by No Child Left Behind that they're failures.

Members of Congress, we know exactly what needs to be done to give these children the same opportunities as other children across the Nation.

Senator SPECTER. Dr. Jamula, you have 30 seconds.

#### PREPARED STATEMENT

Dr. JAMULA. Yes, thank you. But these initiatives will take tens of millions of dollars, dollars that we don't have. I urge Congress to fully fund the mandates of No Child Left Behind. I urge Congress to reconsider the mandates for the current method of evaluating and testing special education students. I urge Congress to reconsider the timelines established for the evaluation of children who are limited English proficient, and I urge Congress to consider to hold us accountable by instituting value-added evaluations for special education and limited education students.

[The statement follows:]

#### PREPARED STATEMENT OF DR. MELISSA JAMULA

Members of Congress: Thank you for the opportunity to speak to you today about No Child Left Behind.

As superintendent of a large urban school district, I strongly support the tenets upon which No Child Left Behind was created: I believe that all children can succeed; that public schools should be held accountable for their success; that we should focus special attention on children who have traditionally been underserved; and, that all children deserve to be taught by qualified teachers in a safe environment. Those beliefs, as stated in No Child Left Behind, without question, should be the hallmarks that drive our public education system.

But I also believe that there are specific mandates within No Child Left Behind that undermine the spirit of the law and truly discriminate against poor, minority children and the schools that serve them. I believe that Congress' willingness to address these mandates will be fundamental to whether No Child Left Behind goes down in history as a piece of legislation that helped to significantly improve the quality of education received by all of America's children, or as legislation that derailed the public school system.

Today, I would like to provide you with a vivid example of how one school district is struggling, without success, to comply with No Child Left Behind.



I am the superintendent of the Reading School District in Reading, Pennsylvania. Of the 501 school districts in Pennsylvania, we are the fifth largest, with approximately 16,700 students. We have a diverse student body: 64 percent of our students are Hispanic; 19 percent are white; 15 percent are African American; and 2 percent are Asian or other nationalities. Of our student population, 12 percent of the children are in a formal English Language Acquisition Program and another 17 percent are formally identified as special education students.

About three years ago, the Pennsylvania Department of Education hired Standard and Poors to analyze annually thousands of pieces of data, comparing the 501 school districts in the state. This analysis ranges from academic performance to finances to demographic data. In order for you to understand my grave concerns about meeting the mandates of No Child Left Behind, consider these facts about the Reading School District. Compared to the other 500 school districts in Pennsylvania, Reading School District ranks in the:

- 98th percentile for the percentage of students at or below the poverty line
- 99th percentile for the percentage of children who have English as their second language
- 100th percentile for mobility (Last year, the Reading School District had 16,280 students. From the time we opened our doors in September, until May 1, we had over 8,000 children either move into or from one of our schools!)
- 100th percentile for our drop out rate
- 1st percentile for adults in the community with at least a high school diploma
- 99th percentile for single parent households

As you can see, indicators suggest we have a needy student population. Although we are a very poor community, our community places a high value on our children's education: The citizens of Reading make the highest local tax effort of the 18 school districts in Berks County and rank 75th, or in the top 15 percent, in Pennsylvania. Yet, we are able to spend \$2,000 less per student than either our county or the state average. We have a \$106 million general fund budget. If we could spend the average of what our peers spend, we could increase that budget by over \$33 million! In truth, if we could spend what our neighboring school district directly to the north spends, we could increase our budget by \$70 million. To me, it is unconscionable that, in this country, the quality of a child's education is determined by his zip code. For those who would argue otherwise, I would ask you to consider these facts. Again, compared to the other 500 school districts in Pennsylvania, the Reading School District ranks in the:

- 93rd percentile for the number of students per teacher
- 92nd percentile for classrooms with 30 or more children
- 99th percentile for the number of students per computer
- 99.8th for students per administrator (meaning, of course that we have one of the leanest administrative staffs in the state)
- 88th percentile for our professional turnover rate (Our starting teacher salaries are approximately \$10,000 below both our county and state averages.)

In spite of these numbers, I believe we have an excellent school district. I say that not only as the superintendent, but as a parent whose child is thriving as a junior at Yale, due largely to the educational foundation she received in the Reading School District.

But we have many children with many needs. And, as our teachers and our children are working so hard to close the educational gaps these children have when they enter school, they are now being told that they are failures according to No Child Left Behind.

Members of Congress, we know exactly what needs to be done to give our children the same educational opportunity to succeed as other children across this nation. Given the resources, we would increase the length of the school day and the school year, we would institute all day kindergarten, we would significantly reduce our class size at every level for all children and would assure that children who have English as their second language are in classrooms with not more than 15 children, and are taught by teachers and assisted by aides who both are truly bilingual, so that these children learn English, but not at the expense of their education. We would provide smaller class sizes, more intense interventions and year round school for our special education students. We would use technology as an effective educational tool to meet the varied needs of our students. And that's just the beginning.

Our schools that have been placed in Year One of School Improvement under No Child Left Behind have complied with a mandate under this law and have written school improvement plans. They have written these initiatives into their plans.

But these initiatives will take tens of millions of dollars; money we don't have; money that has not been provided through the enactment of No Child Left Behind. Although our federal funds have grown by about \$6 million since 1999, given our

growth in student population, which consistently is between 300 and 350 students a year for the past 15 years, and, given the profile of the children who are entering our school district, we actually are able to spend two dollars less per eligible child using federal funds than in 1999!

I urge Congress to fully fund the mandates of No Child Left Behind, so that our children, all of our children, are given the educational opportunities they deserve.

I urge Congress to reconsider the mandates for the current method of testing special education children and I urge Congress to require that No Child Left Behind mandates are consistent with the mandates of IDEA.

I urge Congress to reconsider the timelines established for the evaluation of children who are limited English proficient and develop evaluation methods for these children that are consistent with bodies of research that speak to the number of years it takes for a child, particularly for a child of poverty, to adequately develop academic vocabulary.

I urge Congress to continue to hold public schools accountable for the achievement of both special education children and children who are limited English proficient by requiring value-added testing, designed to show the academic growth that each of these children makes each year.

Members of Congress, while I speak from the point of view of a superintendent in an urban school district, it is important for you to know that many of my concerns are shared by superintendents of some of the wealthiest, most academically successful school districts in Pennsylvania. Recently, 138 superintendents, from a 14 county region in Pennsylvania, signed their name to a position paper relative to No Child Left Behind, which I have included with my testimony.

I thank you for your time today and I urge you to honor the intent of the No Child Left Behind law by addressing the mandates within this law that will surely undermine its effectiveness.

Senator SPECTER. Thank you, Dr. Jamula.

**STATEMENT OF DR. JAMES SCANLON, SUPERINTENDENT OF SCHOOLS, QUAKERTOWN COMMUNITY SCHOOL DISTRICT**

Senator SPECTER. Dr. Jim Scanlon, superintendent of schools with the Quakertown Community School District. We'll put your impressive curriculum vitae in the record.

Dr. SCANLON. Yes, thank you very much. I'm here speaking on behalf of the superintendents from 138 school districts representing 14 counties in Pennsylvania, including those suburban counties around Philadelphia and near our capital of Harrisburg.

**NO CHILD LEFT BEHIND ACT**

It's extremely rare that an issue has the power to galvanize and unite districts so solidly. In fact, I've never known one issue to arouse so much concern and unity. These districts are committed to educational excellence, quality instruction, and accountability for results, all qualities that No Child Left Behind Act strives to promote.

Each of us supports the concepts of high standards, using data for decision-making, creating school profiles and giving information to parents in parent-friendly language, again all goals of the Act. But there are three major concerns we have about this law. One, it's inherently unfair to special education students and conflicts with the Federal law, IDEA, Individuals With Disabilities Education Act. Two, it disregards the needs of students who demonstrate limited English proficiency. And three, it disregards the amount of time, funding, and resources to meet the requirements in the law.

Children with disabilities have to participate in their respective State testing programs. They're not designed for children who have

disabilities. Therefore, these tests do not accurately reflect their academic progress.

#### NO CHILD LEFT BEHIND ACT AND IDEA

No Child Left Behind and IDEA are two laws that are polarized. That is, IDEA says special education students are entitled to progress at different rates. No Child Left Behind says all students must progress at the same rate. IDEA says special education data sources tailored to a student's capabilities must be used to assess his or her progress, while No Child Left Behind says standardized test data must be used to assess progress. IDEA measures student progress against standards based on current levels of performance. No Child Left Behind measures progress against universal grade-level standards.

Basically, No Child Left Behind has no consideration for the special learning needs of special education students. We're being asked to answer to two completely contradictory Federal laws and our special needs students are caught in the middle.

#### LIMITED ENGLISH SPEAKING STUDENTS

No Child Left Behind requires non-English-speaking students to be assessed during their first year of attendance in school in the United States. In effect, these limited-English-speaking students are being forced to take a test many of them don't even understand. Research shows it takes 5 to 7 years for students to learn the language proficiently.

#### COSTS OF NO CHILD LEFT BEHIND ACT

Many of our school district budgets receive between 1 and 2 percent of Federal money. Most of it comes in the form of title I funds, which is targeted for early childhood reading and math. No Child Left Behind forces us to spread the title I funds across our entire district, and although title I funds have increased, they have not increased in proportion to the number of children those funds are now supposed to cover. It's like giving someone a queen-sized comforter instead of a sofa throw but now asking them to keep 10 people warm with it instead of two. Someone's going to be left out in the cold.

Districts will also have to incur other costs because of No Child Left Behind. They include hiring and training professionals to meet highly qualified provisions, transportation costs for families exercising school choice options, additional infrastructure and staff for analyzing test scores, the cost of additional teachers and aides to provide remediation. The list goes on and on.

#### FLEXIBILITY FOR IDEA AND LEP STUDENTS

We're asking you to do the following to help us better educate and change what we firmly believe is destructive rather than constructive legislation. One, allow special education students' progress to be measured by the assessments in their individual education plans protected under the Federal law, IDEA. Essentially, allow IDEA to drive the evaluation of special education students.

Two, provide sufficient time and accommodations for assessing limited-English-speaking students, and I know Secretary Paige has addressed some of that recently. However, we believe one year is not quite enough. Give them more time to learn the language before they're tested.

#### PREPARED STATEMENT

Fully fund No Child Left Behind to support schools and districts. Study, analyze, collect data, and learn how much this law and its changes will really cost us, and then adequately fund it so that we can fulfill the requirements.

We'll continue to work to provide the best learning environments possible for our students and staff. It's our duty to point out the flaws in this law, and I hope you will work with us, not against us, toward the common goal of educating our children. Thank you for listening and learning with us.

[The statement follows:]

#### PREPARED STATEMENT OF DR. JAMES R. SCANLON

I am here speaking on behalf of the superintendents from 138 school districts, representing 14 counties in Pennsylvania, including those in suburban Philadelphia and near our capital of Harrisburg.

It is extremely rare that an issue has the power to galvanize and unite districts so solidly—in fact, I've never known one issue to arouse so much concern and unity.

These districts are committed to educational excellence, quality instruction and accountability for results, all qualities that the No Child Left Behind Act strives to promote. Each of us supports the concepts of high standards, using data for decision-making, creating school profiles and giving information to parents in parent-friendly language—again, all goals of the Act. BUT—there are three major concerns we have about this law:

1. It's inherently unfair to special education students and conflicts with the federal law, IDEA (Individuals with Disabilities in Education Act).

2. It disregards the needs of students who demonstrate limited English proficiency.

3. It disregards the amount of time, funding and resources to meet the requirements in the law.

Children with disabilities have to participate in their respective state testing programs—that are NOT designed for children who have disabilities—therefore these tests do not accurately reflect their academic progress.

No Child Left Behind and IDEA are two laws that are polarized—that is, IDEA says special education students are entitled to progress at different rates. No Child Left Behind says all students must progress at the same rate. IDEA says specialized data sources tailored to a student's capabilities must be used to assess his or her progress. No Child Left Behind says standardized data sources must be used to assess progress. IDEA measures student progress against standards based on current levels of performance. No Child Left Behind measures progress against universal grade level standards. Basically, No Child Left Behind has no consideration for the special learning needs of special education students. We are being asked to answer to two completely contradictory federal laws, and our special needs students are caught in the middle.

No Child Left Behind requires non-English speaking students to be assessed during their first year of attendance in school in the United States. In effect, these limited English speaking students are being forced to take a test many of them don't even understand. Research shows it takes five to seven years for students to learn the language proficiently.

Many of our school district budgets receive between one and two percent in federal money—most of it comes in the form of Title One funds, which is targeted for early childhood reading and math. No Child Left Behind forces us to spread the Title One funds across our entire district—and although Title One funds have increased, they have not increased in proportion to the increase in the number of children those funds are now supposed to cover. It's like giving someone a queen-size comforter instead of a sofa throw but now asking them to keep 10 people warm with it instead of two. Someone's going to be left out in the cold.

Districts will also have to incur other costs because of No Child Left Behind. They include: hiring and training paraprofessionals to meet “highly qualified” provisions; transportation costs for families exercising school choice options; additional infrastructure and staff for analyzing test scores; the cost of additional teachers and aides to provide remediation. The list goes on and on.

We are asking you to do the following to help us better educate our children and change what we FIRMLY believe is destructive, rather than constructive legislation:

1. Allow special education students’ progress to be measured by the assessments in their individualized education plans, protected under the federal law, IDEA. Essentially, allow IDEA to drive the evaluation of special education students.

2. Provide sufficient time and accommodations for assessing limited English speaking students—essentially, give them more time to learn the language before they are tested.

3. Fully fund No Child Left Behind to support schools and districts—study, analyze, collect data, and learn how much this law and its changes will really cost us—and then adequately fund it—so that we can fulfill the requirements.

We will continue to work to provide the best learning environments possible for our students and staff. It is our duty to point out the flaws in this law, and hope you will work with us, not against us, toward the common goal of educating our children.

Thank you for listening, and learning with us!

Senator SPECTER. Thank you very much, Dr. Scanlon. As I said earlier, Secretary Paige has to leave at this point, but he’s very graciously agreed to meet with all of you at 2 p.m. this afternoon in his office. I want to announce that there are others who have come from Pennsylvania—Dr. Jacob Dailey, who’s the director of legal and external relations at the Chester County Intermediate Unit; Dr. Mary Lou Folts from the Tredyffrin/Easttown School District; Dr. Melody Wilt from the Chester County Intermediate Unit; and Dr. Mark Dietz from the Wyomissing Area School District. And those folks may be included as well, Secretary Paige.

I’ll have one of my staffers take you over. Secretary Paige has to leave at this point, and we’re going to interrupt the hearing for just a few minutes and we’ll resume with the balance of the witnesses in just a few minutes.

Secretary PAIGE. Can we say thank you very much for your leadership and the opportunity to come and testify before you.

Senator SPECTER. You’re very welcome, Mr. Secretary. The issues here are very important and I appreciate your open ear. It’s good to have the Secretary’s ear and even better to have the Secretary’s pen, but you start with his ear. And what we’re always doing around here, and you saw a number of Senators wanted to ask more questions, but we have so much time and so many commitments. But you have provided the very good safety valve, Mr. Secretary, by being willing to meet this afternoon, and for the record here, we’ll continue to hear from the witnesses after a very brief recess.

I regret the interruption, but I had to address a veterans convention in Harrisburg. There’s a great problem when somebody is selected to the Senate and he or she is not twins or triplets.

**STATEMENT OF DR. MARIE SLOBOJAN, DIRECTOR OF INSTRUCTION, TREDEYFFRIN/EASTTOWN SCHOOL DISTRICT**

Senator SPECTER. I return now to Dr. Marie Slobojan, director of instruction, staff development, and planning at the Tredyffrin/Easttown School District. I’m sorry that you don’t have the Secretary here, but you have—would you identify yourself for the record?

Mr. SIMON. Yes, I'm Ray Simon. I'm Assistant Secretary for Elementary and Secondary Education.

Senator SPECTER. And this gentleman is right in line with the issues, but you'll have the Secretary's ear, as I said earlier, at 2 p.m. Dr. Slobojan, thank you for joining us and we look forward to your testimony.

Dr. SLOBOJAN. Thank you for inviting us to discuss the impact of the reauthorization of the Elementary and Secondary Act in the Tredyffrin/Easttown School District. As you can see from the district profile that we submitted, Tredyffrin/Easttown School District is a high-performing K-12 district as determined by multiple measures of performance, including scholastic aptitude tests, educational record tests, and advanced placement standardized tests.

We consider the SAT a particularly informative measure of our performance, because typically 100 percent of our students participate in this test. Our average daily attendance is 96.6 percent and we graduate 99.9 percent of our students. We take our responsibility to educate every child very seriously by setting and enforcing strong standards of accountability for our district.

The Pennsylvania School System of Assessment is the single academic measure of performance that defines the district's adequate yearly progress. Students must perform at the proficient or above-proficient level.

#### TREDYFFRIN/EASTTOWN SCHOOL DISTRICT

The 2002-03 Standard & Poor's report for our district states the following: Statewide, none of Pennsylvania's school districts report a greater proportion of test scores that meet or exceed State standards. Statewide, none of Pennsylvania's school districts report higher proportions of scores in the advanced performance level. Across the State, none of Pennsylvania's districts report a smaller proportion of scores in the below-basic performance level.

In spite of such an extraordinary record of meeting the needs of children, strongly supported by our community, the current version of the Elementary and Secondary Education Act has endangered the public school students in our district.

Point one, all students in our school district are currently experiencing a skewed educational program designed to ensure their success on the Pennsylvania assessments in mathematics and reading. Placing this emphasis on a single high-stakes test detracts from the rich curriculum and creative environment that promotes self-directed, lifelong learning that students in our district have come to expect.

Teachers within the district feel constrained by the narrow parameters suggested in the State curriculum. We believe that our compliance with this initiative results in our providing a regressive educational experience for our students.

Second, our district receives no title I funds. Therefore, any compliance action we take is funded from our local resources. This means that we redirect our funds from existing programs with demonstrated success.

Point three, in the 2002-03 school year, we were audited in our special education program and identified as having exemplary practices for the State of Pennsylvania. This year, we anticipate

that we will placed on the warning list for this special education subgroup. We believe that this will start our 6-year march to privatization in the Tredyffrin/Easttown School District.

#### NCLB ACT AND THE INDIVIDUALS WITH DISABILITIES ACT

We believe the principles of the No Child Left Behind legislation violate the instructionally sound framework of the Individuals with Disabilities Act. Principle one, children learn at different rates. Principle two, valid student assessment involves multiple data sets. Principle three, effective instruction and assessment is delivered at the student's instructional level. The result is that these students are experiencing stress, fear, and they risk being ostracized due to their inclusion in a federally labeled subgroup.

#### NCLB ACT AND LIMITED ENGLISH PROFICIENT STUDENTS

Point four, we currently have 111 English language learners speaking 29 different languages. The Federal requirements for testing are inconsistent with the research, which suggests it takes approximately 7 years for non-native speakers of English to acquire proficiency to perform on standardized tests.

During the testing period, students demonstrate anger and frustration. Students who are about to take this test feel as though they are forced to show that they will fail. The sense of failure has made it difficult to encourage students to learn English and to improve their proficiency. In effect, the law is having the exact opposite effect it was designed to promote.

Senator SPECTER. Thirty seconds left.

#### PREPARED STATEMENT

Dr. SLOBOJAN. I'll just skip to my concluding remarks. In order to effectively assess the progress of our students for the purposes of adequate yearly progress, please include multiple assessments, factor subgroups into an equation that weights their proportion within the school population as a whole, develop appropriate assessments and have comparable tests and standards across all States.

We ask you to amend the legislation to fairly assess the multiple dimensions of human intelligence and to respect the dignity of every student.

[The statement follows:]

#### PREPARED STATEMENT OF DR. MARIE SLOBOJAN

Honorable Senators: Thank you for inviting us to discuss the impact of the reauthorization of the Elementary and Secondary Education Act in Tredyffrin/Easttown School District.

As you can see from the District profile, Tredyffrin/Easttown is a high-performing K-12 school district, as determined by multiple measures of performance including Scholastic Achievement Tests, Educational Records Bureau tests and Advanced Placement standardized tests. We consider the SAT a particularly informative measure of our performance because typically 100 percent of our students participate in this test. Our average daily attendance is 96.6 percent and we graduate 99.9 percent of our students. We take our responsibility to educate every child very seriously by setting and enforcing strong standards of accountability for our district.

The Pennsylvania School System of Assessment, or PSSA, is the single academic performance measure that defines the district's Adequate Yearly Progress where

students must perform at the proficient or above proficient level. The 2002–03 Standard & Poor's report for our District states the following:

- Statewide, none of Pennsylvania's school districts report a greater proportion of test scores that meet or exceed state standards.
- Statewide, none of Pennsylvania's school districts report higher proportions of scores in the Advance performance level.
- Across the state, none of Pennsylvania's districts report a smaller proportion of scores in the Below Basic performance level than this district.

In spite of such an extraordinary record, of meeting the needs of every child, strongly supported by our community, the current version of the Elementary and Secondary Education Act has endangered the public school students in our district.

#### POINT 1

All students in our school district are currently experiencing a skewed educational program designed to ensure their success on the Pennsylvania assessments in mathematics and reading. Placing this emphasis on a single high-stakes test detracts from the rich curriculum and creative environment that promotes the self-directed life-long learning that students in our district have come to expect. Teachers within our district feel constrained by the narrow parameters suggested in the state curriculum. We believe that our compliance with this initiative results in our providing a regressive educational program for our students.

#### POINT 2

Our District receives no Title I funds. Therefore, any compliance action we take is funded from local resources. This means that we redirect funds from existing programs with demonstrated success to programs that provide remediation for state testing.

#### POINT 3

The 2002–03 school year audit of our Special Education Program identified our District as having exemplary practices. In 2003–04, we anticipate that we will be placed on the warning list for this special education sub-group, thus starting the six-year march to privatization for the Tredyffrin/Easttown School District.

We believe the principles embodied in the No Child Left Behind legislation violate the instructionally sound framework of the Individuals with Disabilities Act.

*Principle 1.*—Children learn at different rates.

*Principle 2.*—Valid student assessment involves multiple data sets.

*Principle 3.*—Effective instruction and assessment is delivered at the student's instructional level.

The result is that these children are experiencing stress and fear and risk being ostracized due to their inclusion in a federally labeled sub-group.

#### POINT 4

Currently we have 111 students in our English Language Learners program, speaking 29 different languages. The federal law requires that these students be tested in English following three years of tutoring in English. Research indicates that it takes a minimum of 7 years for a nonnative speaker of English to gain the proficiency level that translates into successful performance on most standardized tests.

During the test, students taking the assessment have demonstrated anger and frustration. Going through a test where only the directions were translated made the students feel as though they were forced to demonstrate what they did not know. Currently students who are about to take this test feel that they are forced to participate in an assessment they will fail. This sense of failure has made it difficult to encourage students to learn English and to improve their proficiency. In practice, this law is having the exact opposite effect it was designed to promote.

#### POINT 5

Pennsylvania's calculation of Adequate Yearly Progress places students in our Commonwealth at a disadvantage to students in other states. This disadvantage occurs because the proficiency in standards across the United States punish students in states where the standards are high. For school districts such as ours, that already meet the state's annual requirements, this concept is regressive. While other school districts have until the year 2014 to meet these goals, the high achievement of our district's students places us on the warning list if we marginally drop from the high standards that we currently achieve.



In order to effectively assess the progress of our students for the purposes of Adequate Yearly Progress we recommend the following changes.

1. Include multiple assessments of academic performance in the Adequate Yearly Progress formula.

2. Factor sub-groups into an equation that weights their proportion within the school population as a whole. In this way sub-groups would not carry the same weight as the entire school population.

3. Develop assessments that are appropriate for students with special needs and those who are English Language Learners. Use those assessments in the Adequate Yearly Progress calculation.

4. Have comparable tests and standards across all states for the calculation of Adequate Yearly Progress.

The Tredyffrin/Easttown community is proud of the public education that it provides for its students. We have always accepted responsibility and demonstrated accountability for the performance results of every student that we serve. We respectfully request amendments to the legislation to fairly assess the multiple dimensions of human intelligence and to respect the dignity of every student that is educated in public school districts across this nation. Thank you for your attention.

Senator SPECTER. Dr. Slobojan, we have your point and we thank you very much. Moving right down the table in sequence, sitting next to Dr. Slobojan is Mr. Samuel Evans. Mr. Evans is the founder of the American Foundation for Negro Affairs, a long list of accomplishments, being appointed by President Roosevelt. Was that Franklin or Theodore, Mr. Evans?

Appointed by President Roosevelt, I know it was FDR, as the coordinator of the U.S. Division of Physical Fitness. President Johnson appointed him as czar of the war on poverty. He's the founder of Youth City, the cooperative education extension service and the family of leaders.

Mr. Evans celebrated his 101st birthday last November. Sam Evans was older than Strom by a full month. Sam Evans is about the only man in America who could—who did refer to Strom Thurmond as one of the young guys.

#### STATEMENT OF SAMUEL LONDON EVANS, FOUNDER, AMERICAN FOUNDATION FOR NEGRO AFFAIRS

Senator SPECTER. Mr. Evans, we're honored to have you here, and you have wanted to meet with Superintendent Paige for some time. We're going to put your testimony in the record and this afternoon you're going to have a chance to meet with Secretary Paige. It's an honor to have you here, Mr. Evans.

Mr. EVANS. Thank you, Mr. Chairman. Let me say right away that I was up this morning around 3:30, 4:00 to be sure I get here because when Senator Specter calls me, I have to go. Let me say right away that I asked President Carter, when he was running for office, to set up the Department of Education. Everywhere I go I hear people talking about education. Nations of the world are rated on three things: what percent of that nation is educated; number two, what percent is economic secure; and number three, what is their behavior pattern and sense of values?

It is right here our behavior pattern and sense of values in education that is destroying America's democracy. America ranked 22 among the nations in science, mathematics, and education. It means then that the United States—21 nations in the world are greater educated than we are. It's because our behavior pattern and sense of values about education is contaminated with colonial concepts.

Every step of the way it is preventive rather than encouraging. Let's take one instance. When you put a power in the hand of an individual today, the success of a student on any level is no further than the pen or pencil of his professor teacher. He has that power. But that awesome power is the control numbers. If you take up the philosophy of education, take it up and study it, you'd be amazed at the—how many individuals understand the American—you see, for instance, goal from K to graduate school, you come out, they will believe in six things, six, and those six will aid the controlling power and harm the other group.

Number one, they believe in war, w-a-r, war. You keep the guns. Now you got population to deal with, we got to cut them up, cut them up into pieces, so therefore, number two, you believe in getting ahead of others rather than getting rid of the others. And number three, you believe in class distinction.

Senator SPECTER. Mr. Evans, you have 1 minute left.

#### PREPARED STATEMENT

Mr. EVANS. Number four, you believe in authority. I'm sorry that I come here today, but I'd be glad to talk to anyone. I want to end by saying this, that the American educational system must be purified. Thank you.

[The statement follows:]

#### PREPARED STATEMENT OF SAMUEL LONDON EVANS

The Frontiers Of Knowledge In: Integrated Concepts Of Science, Philosophy And Education Is Eliminated From The Established Schools Of Learning That Propagates Specialization. Therefore, The Curriculum Is Limited To Only "One" Of The Following Subjects:

1. Philosophy Of Education
2. Basic Concepts And Modern Physic
3. Theory Of Values
4. Nature Of Mathematics
5. Anthropology
6. Astronomy
7. Paleontology
8. Stars And Nebulae
9. The World Of Crystal
10. Direct Implicit In The Structure Of Earth
11. Gestalt Psychology
12. The Nature Of Aesthetics
13. Signs Symbols And Personalities
14. Laws Of Density
15. The Nature Of Meteorology
16. The Nature Of Etiquette

In This Connection, Students Who Are Limited To: "Only One," Of The Above Subjects, Are Recognized As "Educated Models," However, The AFNA Program Serves In Two Or More Capacities:

ONE.—"The AFNA Plan," Prepares The Student To Meet The Academic Requirements Of The School He Or She Attends, In Order That They May Pursue Professional Careers In: Medicine, Law, Computer Science, Business And Commerce, To The Humanities.

TWO.—Beyond This, "AFNA Students" Are Privileged To Learn And Study The Entire Basic Structure Of: The Frontiers Of Knowledge, In Integrated Concepts Of: Science, Philosophy And Education.

THREE.—Professors And Educators, Will Lecture In: One Of The Above Subjects . . . In This Connection, The Students Will Receive A Copy Of Each Lecture And Required To Take It Home For Study And Review . . . Students Then, Are Required To: Rewrite The Lecture, With The Cooperation Of Their Parents And Qualified Neighbors, All Assisting The Student . . . "He" Or "She" Will Then Bring A Copy Back To Their Class For Evaluation . . .

Students Will Receive:

- Ten Points For Completion
- Ten Points For Spelling
- Ten Points For Neatness
- Ten Points For Format
- Ten Points For Clarity And Etc.

Means, The Total Experience Will Bring Academic Surroundings Back Into The Home And Made Available To Family And Community, For Study And Review . . . With The Desire To Expand The Concept Of Academic Scholarly Learning In The Home And Community Level.

FOUR.—In This Connection, Students Are Required To Keep Copies Of Each Lecture For Their Files . . . For It Is Hoped That Each Student Will Complete Written Studies Of: “The Sixteen Subjects, From 7th Grade, Through High, College And Graduate School . . .” Indeed, Such An Achievement; Would Place Students On That High Rarefied Academic Platform, That Holds Less Than 7 percent of The World’s Scholars.

FIVE.—AFNA Is Not A School, College Or University. AFNA, Is A Supplementary Schooling Institute . . . Working And Preparing Students To Meet Their Academic Qualifications, In Cooperation With Academic Schools Of Learning. Together, AFNA, Universities, And Colleges, Work To Obtain The Needed Funds From: Federal, State, City And Philanthropists; To Eliminate The Dismissal Of Students For Tuition Deficiencies.

The Need To Eliminate, “BAR AND BOARD’S FAILURES,” Based On Academic Deficiencies, Of Which The Students Have Already Obtained And Qualified Through Their Graduate Schools Of Learning.

SIX.—Beyond This, AFNA; Requires That Each Student Be Given A Copy Of: “The Declaration Of Independence,” For Each To Study, Learn, And Recite . . . For It Represents The Basic Roots And Meaning Of: “The American Form Of Government” . . . Which Has Been Largely Eliminated In Schools Of Learning.

Today, At This Writing 2004; 5th Of January, Humanity Is Divided Into A Multitude Warring Camps . . . With Each Group Fighting For Their Individual Advancement, Based On The Concept Of The Fastest Draw.

Yet, Humanity Is 99.9 percent The Same, The 1 percent Difference Is Environment, Culture And Ethnicity . . . However, “The AFNA Plan,” Is Based On The Concept:

“One God And One Humanity” . . .

“Seek Not Advantage Over Others, Seek Equality And Justice For All”

“Therefore, Democracy Is The Key, That Provides For Individuals, Or Groups, To Work Out Their Own Way Of Life, Without Fear, Or Without Hindrances And Without Destructive Attitudes Towards Others.”

Therefore, No Race, Political Ideology, Religion, Commercial Enterprise Are Worth Saving, If It Destroys The Democratic Process Of Government.

“The AFNA Model,” Students Learning In Cooperation With Parents, Guardians, Relatives, And Friends, Will Join The Other AFNA Graduates . . .

—750 Medical Doctors

—550 Lawyers

—96 PhD’s

—4,500 College Graduates

And Many Other Para-Professionals In The Health Fields.

#### EVALUATION

[Mithras Group Ltd., Aaron N. Katcher, M.D., Chairman And Director, Of The Division Of Behavioral Sciences, University Of Pennsylvania]

Indeed, In Evaluating The AFNA Plan: We List Below The Following From: The Mithras Group Ltd., Aaron N. Katcher, M.D., Chairman And Director, Of The Division Of Behavioral Sciences, University Of Pennsylvania.

#### EXCERPTS OF THE EVALUATION (MGL) PROCESS

In This Connection, We Know; Doubt Comes From The Thought That You Could Be Doing Better. Well-intended, Even Satisfying Effort Is Not Always Effective . . . Are The Courses In AFNA The Right Ones, Should The AFNA Students Be Spending Their Time In A Laboratory, And Are They The Right Students For The Program?

The Above And The Following Doubts, Are Doubts About “The Model” . . . “The Plan” . . . Is It The Best Mode For A Supplementary Minority Education Program? In Describing, “The Model,” We Also Described How We Displayed That Mode To A Succession Of Audiences In Pursuit Of Critical Commentary . . . The Meetings

Of The American Association Of Medical Colleges, The Conferences Of Educators With Interest In Minority Problems, Convened In Philadelphia And New Orleans. The Discussions, With Faculties Of The Participating Medical Colleges, And The Paper Presented To The Association For Higher Education In Chicago.

One.—In All Of These Meetings, “The Model”; Was Exposed For Evaluation, Amendment And Revision. No Substantive Suggestion For Change Were Offered. If There Were Anything Better Or More: The Participants In The Program Should Be Doing, Those Who Should Know, Were Silent About Describing What That “More” Might Be . . .

Two.—The Next Doubt, Was A Question About The Outcome Of The Program . . . That Goes Beyond The Know/edge Of Personall Success Of The Students We Have Known In The Program; The Kind Of Description Of Outcome That Goes Beyond Individuals, To The Abstraction Of Numbers.

The Numbers And Findings Have Been Gathered:

(A) 98 percent Of Those Completing The High School Phase Of The Program Go On To College . . .

(B) College Retention Rate Over All Four Years is 83 percent . . .

(C) 57 percent Of The Students Entering College, Graduate . . .

AND THE IMPORTANT BOTTOM LINE,

(D) 25 percent Of The Students Who Enter College, Go On To Graduate, Or To Medical School . . .

An Evaluation Of The Program Conducted In Cooperation With The Educational Testing Service Of Princeton, Demonstrated, The Program's High Retention And Graduation Rates From High School . . . This Record Was Achieved With Students, Whose SAT Scores Were Well Below The Average Goals For Students In College They Attended.

Therefore, The Evaluation Of “The Model” Presented Herein Has Met Every Test And Goes Over And Beyond The Usual And Previous Analytical Problems Of Leaders. Indeed, “The Model” Has Accomplished Its Purposes.

So In Conclusion, When The AFNA Students Have Reached The Requirement Of Their Profession, They Will First Direct Their Knowledge In:

“Building Security Of: The Family, Mother, Father, Guardian, And Country . . . The Very Roots Of Your Living And Being, To Meet Their Needs In The Sunset Of Their Life.”

Indeed, Brothers And Sisters, Under This United Conviction, We:

“WOULD RATHER RIDE IN AN OX-CART, OR A COVERED WAGON IN A DEMOCRACY . . . THAN IN A ROLLS ROYCE, DRIVEN UNDER A DICTATOR.”

Senator SPECTER. Thank you very much, Mr. Evans. Thank you for your profound statement.

**STATEMENT OF C. DELORES TUCKER, FOUNDER, PHILADELPHIA MARTIN LUTHER KING, JR. ASSOCIATION FOR NON-VIOLENT CHANGE**

Senator SPECTER. We turn now to Dr. C. Delores Tucker, founder and national chair of the National Congress of Black Women, also founder and president of the Bethune-DuBois Institute and the Philadelphia Martin Luther—Dr. Martin Luther King, Jr. Association for Non-Violent Change. She served as Pennsylvania's Secretary of State, attended Temple University and the Wharton School of the University of Pennsylvania. Thank you for joining us, Dr. Tucker, and I might add to your regular resume your leadership on education at Cheyney and other educational institutions.

Dr. TUCKER. Thank you so much. I can't say much about you because of the 5-minute rule, but nevertheless, to leave a child behind is to leave a child behind forever. We as a Nation can ill afford to allow ourselves to slip into a second-rate position in any area of global competition. The No Child Left Behind Act must be more than a slogan. It must be a reality.

Outsourcing is one of the problems that we're facing because we have not met up to that position of that child being educated. I'm going to say all of this to get to my time. There is a wealth of undeveloped talent languishing in the urban centers of America, but we

have the will and the vision to really tap into what this Nation needs, a tap into the brain pool of wealth. America would be assured of achieving educational superiority over all nations in this century.

#### COLLEGE FOR TEENS PROGRAM

The National Congress of Black Women, the Philadelphia Martin Luther King Association, of which you serve on our board with our mayor, Senator Specter, we have tapped into this brain pool of wealth with our College for Teens program, which grew out of our College for Kids program, 9 to 12 years of age, which began at the University of Pennsylvania 10 years ago, and parents said you can't drop them at 12 years of age, that's from 9 to 12. And so I said, what can we do? College for Teens. We approached you, and you recognized the need for training our young people early.

Thirteen months after I met with the president of Cheyney University, we cut the ribbon for 200 students to live on Cheyney's campus in the summer learning the work that they're going to have in the fall and being taught by the Princeton Review national organization, training them to learn the work that they're going to have in the fall, but also geared toward enhancing their SAT scores.

#### STUDENT PARTICIPANT OF COLLEGE FOR TEENS PROGRAM

I have one of the young persons here now that was a part of the second College for Teens program. We had 246 young people living on campus at Cheyney University this past fall—summer rather. And she's here today, and I want you to stand right here for a minute, quickly please, and tell him what your scores increased to when you went into the school and when you came out of the school.

Ms. DURSEY. When I started I had—

Senator SPECTER. Would you step forward and speak into the microphone? First, if you would identify yourself, please.

Dr. TUCKER. You have 5 minutes too, right? Yeah, 2½, 2½. I'll let the child speak.

Ms. DURSEY. Hi, my name is Nakeisha Dursey. I'm a Philadelphia student at the Philadelphia High School for Girls. When I first started the program my score was 1,140. When I left it was 1,400.

Dr. TUCKER. It was 1,100?

Ms. DURSEY. It was 1,140 when I started.

Dr. TUCKER. And then when you left?

Ms. DURSEY. It was 1,400.

Dr. TUCKER. 1,400. That's what we do. Her parents are here, her mother is here, and we have others that have come, but we just wanted to have a child speak with you today. The first year the Princeton Review provided SAT preparation classes for all program participants whose student achievement—well, I skipped so many pages I'm up to page 6—but the Martin Luther King Association for teens exemplifies your program, Senator Specter, your zeal for student achievement. One hundred percent of all graduating high school seniors from the 202—the 2002 MLK program successfully completed the college application process and were accepted into

college. And this last class, the 246th, we didn't have the money for it but we reached out to do it anyhow.

I'm saying as I close, I got so far down here I'm at the end—with the outsourcing of jobs overseas, education is no longer a domestic issue. It is now a global issue. No Child Left Behind must become the catalyst for success for all of America's students. The law meant to deliver on President Bush's campaign promise to improve public school education with specific regard to the substandard educational opportunities that have been historically offered to poor and minority students.

#### AFTER SCHOOL AND SATURDAY PROGRAMS

Clearly, Senator Specter, you have maximized the funding opportunities that we needed because this isn't just the summer program. We have an after-school program coupled with this where we make sure they stay ahead and they keep ahead of the courses and they have—they're great students when they go into school and they just say that we're bored now, we don't have everything, everybody wants to tell us—want us to tell them how to do things.

Well, we also have a Saturday program where they come in and enhance their computer skills and we give them a free computer, so we help them in every way, and we just want you to know that this year we hope to have 300 students on that campus and we've started another College for Teens at Capital College, which is right here in Maryland, and the Justice Department has said this is one of the model programs that they have seen in this country. Nowhere else is this program done, but it's a vision that I had because I've been raising and working for children all my life.

#### CHILDREN WITHOUT HOMES

When I was Secretary of State, I went up to school to get the kids registered. I got the voting age reduced from 21 to 18. I saw the gang coming into the high school. I said why do you travel with gangs? And you know what they said to me? And this is what I want to leave with you. They said, Dr. Tucker, you have to understand, the gang is our family and the street is our home. We wanted Gerard College, because where these children don't have homes, and too many don't, that's where the problem is, that's where the problem is. Those who do not have parents, like the little 6-year-old boy that was living with his mother, she was on drugs, father in jail, mother on drugs, Flint, Michigan, and they took him, put that boy into a home with his relative and that was a crack house. So he went to school one day in Flint, Michigan and killed a student who was 6 years old.

#### PREPARED STATEMENT

So we need to deal with the children who do not have homes, like Gerard College, and I would like to invite the Senate for you to bring a team up there. That's what Steven Gerard did in the 1800s. He was an orphan, and he said, in order to take these children and train them and make them the best that they are—and when I gave the graduation address there the other day, I cried, because I've never seen so many males walking in a graduation class, be-

cause 15 to 24, 60 percent of that age are in what I call the three-P: prison, parole, probation.

The last point that you always hear, this is a cost. It is not a cost. It is an investment. It's an investment that will take care of itself, and either we are going to educate or the other choice is incarcerate, and that's the cost.

[The statement follows:]

PREPARED STATEMENT OF DR. C. DELORES TUCKER

To leave a child behind now is to leave a child behind forever! We, as a nation, can ill-afford to allow ourselves to slip into a second rate position in any area of global competition. The No Child Left Behind Act must be more than a slogan; it must be a REALITY, if America is to maintain her position of influence and respect in the global community. The greatest power that America can amass at this juncture in history is BRAIN POWER!!! Even as we deliberate here today, many of our blue chip companies are OUTSOURCING jobs that require critical thinking and analytical skills as well as high-tech jobs because it is said that not enough students who graduate from our high schools, colleges, and universities have the academic prowess to perform efficiently and competitively. This is a sad commentary on the most powerful country in the world!

Every day and every week we are reading reports where America is losing its advantage because of a perceived lack of Brain Power on the part of our youth. Conversely, an excellent commentary on the world's leading nation is that congressional appropriations support public schools as well as comprehensive youth development programs that prepare students to succeed in any aspect of the American workforce, that is, congressional appropriations reinforce America's greatness!

I am here today to applaud and praise the Congress for the progress you have made in recognizing how important youth development programs are in maintaining educational excellence in our great nation. There is a wealth of under developed talent languishing in the urban centers of America. If we have the will and vision to really tap into this "Brain Pool of Wealth", America would be assured of achieving educational superiority over all nations, in this century.

The National Congress of Black Women and The Philadelphia Martin Luther King, Jr. Association for Nonviolence have begun, what we believe to be, a very unique program, in Philadelphia, Pennsylvania, to tap into this Brain Pool of Wealth. It is our College For Teens Program, which began in 2001 at Cheyney University, in Pennsylvania. It allowed low-income, first generation, minority students to experience the rigors of a college environment for six weeks. It features a three (3) pronged approach to student achievement:

1. An After-School Tutorial Program that focuses on direct instruction in language arts and mathematics;

2. Saturday Computer classes that bridge the digital divide; and

3. Summer College Residency Program that features a six to eight week college preparation program, where students live on the college campus and prepare for the SAT, receiving academic preparation from The Princeton Review professionals.

Longitudinal data reveal that The SUCCESSES of those students are phenomenal!

The first year The Princeton Review provided SAT preparation classes for all program participants, whose grades represented eighth through twelfth. THE AVERAGE GAIN IN PRE and POST SAT RESULTS WERE 140 points, as measured by The Princeton Review. This success was a direct result of the investment Senator Arlen Specter made in the public school children of Philadelphia.

In 2002, TWO HUNDRED STUDENTS participated in the Philadelphia Martin Luther King, Jr. Association for Nonviolence's College For Teens Program because Senator Specter is committed to early intervention for student success and he wants to close the achievement gap that presently exists between urban and non-urban student populations. Senator Specter is to be commended for raising the level of expectations for all of America's students so that America will bridge the digital divide and the student achievement gap. He has done this by thoroughly examining the tenets of all appropriation requests, ensuring that America's dollars will yield American success.

The MLK Association's College For Teens Program exemplifies Senator Specter's zeal for student achievement.

Examples:

- 100 percent of all graduating high school seniors from the 2002 MLK program successfully completed the college application process and were accepted into college;
- School attendance in the targeted middle and high schools increased;
- Parent participation in school activities increased; and
- SAT scores measured average gains of 160 points.

Examples:

- In 2003—246 students were enrolled in the College For Teens Program representing grades seven through twelve;
- 80 percent of the student population represented returning students; and
- SAT Scores soared an average of 200 points!

One high school sophomore, who is with me today, increased her 2003 SAT Score by almost 400 points!

Her mother and grandmother comprise 50 percent of the executive committee of her high school PTA, and she has maintained a 3. GPA throughout high school, and until today has a nearly perfect attendance record for the first two years of her high school career.

With the OUT-Sourcing of jobs overseas, education is no longer a domestic issue . . . it is now a global issue! No Child Left Behind must become the catalyst for success for all of America's students! The law was meant to deliver on President Bush's campaign promise to improve public school education, with specific regard to the substandard educational opportunities that have been historically offered to poor and minority children. Clearly, Senator Arlen Specter has maximized his funding resources to advance public education and community development in limited communities in Philadelphia.

In closing, Senators, I say to you, think for a moment what it would mean to America's future to have one million inner-city children involved in a program like this one. We must remember that education is not a cost but a lifetime investment.

Thank you.

Senator SPECTER. Thank you very much, Dr. Tucker.

#### AMERICAN FOUNDATION FOR NEGRO AFFAIRS

Mr. EVANS. Mr. Chairman, would you permit me to just have read—just mention a word about the AFNA program. I just want Dr. Cooper to come up and read about what AFNA is all about.

Senator SPECTER. Mr. Evans, we're running very late, but how much time would you need?

Mr. EVANS. Well, how much time do you think these kids are worth? What I'm saying is I took my time to come down here.

Senator SPECTER. Go ahead, Mr. Evans.

Mr. EVANS. Well, I'm saying. Wait a minute—where are you at, Cooper? Will you come up here? Are you here? Come over here? Okay, sit down there, Cooper. Let me say this, I want to say this. We are never going to solve a program in a colonial system where you don't permit to present what you're doing. Now, I put in some 75, 80 years in this work and real sincere, and I'm 100 years old and you're going to give me 5 minutes to explain my work.

So let me come here now and say this. I'm a resident of America, I'm an American, and I want to see America work. Now I want Dr. Cooper just to read just what AFNA's doing, read this.

Senator SPECTER. Would you identify yourself for the record at the start please?

Mr. COOPER. Reverend Jason Jerome Cooper, member of the AFNA staff. AFNA national education and research fund, AFNA is and AFNA is not—

Mr. EVANS. Louder.



## AFNA NATIONAL EDUCATION AND RESEARCH FUND

Mr. COOPER. AFNA is a scholarship—is not a scholarship or loan-granting organization, a job placement agency, an organization that pays students for participation, a guarantee of admission to college and other professional schools set up to provide students with summer jobs. AFNA is a non-profit organization, national in scope with national headquarters in Philadelphia.

Mr. EVANS. You're reading the wrong thing, Reverend.

Mr. COOPER. Designed to assist students in pursuing professional careers in medicine, law, engineering, computer science, business through the humanities, through advanced academic tutorials and apprenticeships directed and supervised by the professionals. AFNA is working in conjunction with parochial——

Mr. EVANS. Reverend, will you just hold that? You're reading the wrong paper. Read the other paper, the paper about 14 things. You're reading the wrong paper.

Senator SPECTER. Mr. Evans, in another minute or two you'll want to chair this hearing.

Mr. EVANS. Well, I'm just saying that——

Senator SPECTER. You may have him read the other paper if you promise not to run for the Senate, Sam.

Mr. EVANS. We have turned out some 800 medical doctors, 700 lawyers.

Senator SPECTER. Go ahead, sir.

Mr. COOPER. Mr. Chairman, the paper that he's——

Mr. EVANS. You were reading the——

Mr. COOPER. I'm sorry. AFNA national education and research fund is beyond the concepts of specialization and the frontiers of knowledge: integrated concepts, science, philosophy, and education, by Samuel London Evans. The frontiers of knowledge in integrated concepts of science, philosophy, and education is eliminated from the established schools of learning that propagates specialization. Therefore, the curriculum is limited to only one of the following subjects: (1) philosophy of education; (2) basic concepts of modern physics; (3) theory of values; (4) nature of mathematics; (5) anthropology; (6) astronomy; (7) paleontology; (8) stars and nebulae; (9) the world of crystal; (10) direct implicit in the structure of earth; (11) gestalt psychology; (12) the nature of aesthetics; (13) signs, symbols, and personalities; (14) laws of density; (15) the nature of meteorology.

In this connection, Mr. Chairman, students are limited only to one of the above subjects that are recognized as educated models. However, AFNA program serves in two or more capacities. One, the AFNA plan prepares the student to meet the academic requirements of the school he or she attends in order that they may pursue professional careers in medicine, law, computer science, business and commerce, to the humanities.

Two, beyond this AFNA students are privileged to learn and study the entire basic structure of the frontiers of knowledge in integrated concepts of science, philosophy, and education.

Three, professors and educators will lecture on one of the 15 subjects before mentioned, and in this connection the student will receive a copy of each lecture and be required to take it home for

study and review. Students then are required to rewrite the lecture with the cooperation of their parents and qualified neighbors all assisting the student. He or she will then bring copies back to class for evaluation in completion, spelling neatness, and so on.

This means, Mr. Chairman, the total experience will bring academic surroundings back into the home and made available to the family and the community for study and review with the desire to expand the concept of academic scholarly learning in the home and on the community level.

Four, in this connection, students are required to keep copies of each of the 15 lectures for it is hoped that each student will complete written studies of the 15 subjects from 7th grade through high, college, and graduate school. Indeed, such an achievement would place the students on the high rarefied academic platform that holds less than 7 percent of the world's scholars.

Five, AFNA is not a school—

Senator SPECTER. You now have 1 minute left on the time allocated by Chairman Evans.

#### EVALUATION OF AFNA

Mr. COOPER. Let me then go to evaluation of the program by Dr.—by Dr. Katcher, The Mithras Group, Aaron N. Katcher, University of Pennsylvania. In this connection, we know no doubt—doubt comes from the thought that you could be doing better. Well intended, even satisfying efforts is not always effective. Are the courses in AFNA the right ones? Should AFNA students be spending their time in the laboratory or are they—are they right for the student? Is it the best model for the supplementary minority education program?

In describing the model, we also describe how we displayed that model to a succession of audiences in pursuit of critical commentary. The conference of educators with interest in minority problems convened in Philadelphia and New Orleans, and the Association for Higher Education in Chicago. They discovered at all of these meetings the model was exposed for evaluation. If there were anything better to be added from these various organizations the participants in the program should be doing, none present were able to—

Senator SPECTER. Reverend Jason Cooper, we have to move on. Thank you very, very much.

#### STATEMENT OF PAUL G. VALLAS, CHIEF EXECUTIVE OFFICER, SCHOOL DISTRICT OF PHILADELPHIA

Senator SPECTER. Dr. Paul Vallas, will you resume your place at the table? Thank you very much. We turn now to the distinguished chief executive officer of the School District of Philadelphia, Mr. Paul Vallas.

Prior to coming to Philadelphia, he was the chief executive officer for the Chicago public schools, and we were very lucky to kidnap him from Chicago. He received his undergraduate and master's degree from Western Illinois University, was in the Philadelphia Inquirer just this morning on the issue of single sex education separating young men and young women, and said he wasn't going to adopt it until he found community support, so that's a sage ap-

proach. Mr. Vallas, you've waited a long time. Now the floor is yours.

Mr. VALLAS. It's always a pleasure to follow my colleagues and, of course, the great Dr. Evans and the great Dr. Tucker. I'll be very quick because we've really covered just about the same territory. First of all, I'm a strong supporter of No Child Left Behind. I think No Child Left Behind is bringing the accountability measures that are long overdue, and I'm not afraid to test and I'm not afraid to disaggregate the data, because I think the disaggregation of data, while it's created a great degree of consternation among many, it's long overdue because it really identifies the underachievement that exists, not only in large urban schools but in rural districts and suburban districts and even some of the more affluent districts. And I think by focusing attention on those who are being underserved, I think it forces us to be held accountable.

#### NO CHILD LEFT BEHIND

You know, No Child Left Behind has four objectives. One is to provide children with more choices if they're in underperforming schools—oh, sorry about that. Should I start over? Just joking. Two, to provide supplemental education services for children who can have no choices other than their neighborhood school. Three, to reorganize those schools that are consistently academically failing. And four, to make sure you've got certified teachers.

Now, clearly, while all of these goals pose in many respects much greater challenges for smaller districts, particularly districts with only one to two school districts, these goals, at least among the larger districts, are achievable, and rather than to go into how we've worked to comply with those goals, I'll just refer you to my written testimony that I've submitted with the attached materials to the committee.

#### STANDARDS, CURRICULUM, AND TESTING

I will tell you this, though. In terms of testing and holding children to standards, I've always felt that if you understand what the standards are and your curriculum and instruction is aligned with those standards and the test that you subject your children to, are testing children to those standards, then every day that you deliver quality curriculum instruction, you are in fact teaching to the test.

So, you know, the—our move towards obviously embracing not only standardized tests but our own turnover test in our revamping of our curriculum and our aligning of our curriculum and instructional models to the State standards are increasing the amount of time on tests spent helping children learn to those standards providing supplemental services.

In our data-driven instruction, in which case we evaluate our children's progress every 6 weeks and then we make adjustments in that instruction so that we can do what we need to do to bring them to those standards. You know, I'm very comfortable with that. It certainly is creating a lot of consternation and a lot of anxiety, but, you know, that's good, because for far too long, at least in our school district, there has been so much underachievement and there has been a great degree of neglect.

## NCLB ACT AND CHILDREN WITH DISABILITIES

I will say this. Like my colleagues, I share with them the concern over funding. Let me point out that there has been a 36 percent increase in funding, particularly, I believe, title I funding, and our district alone has received over \$35 million in additional funding over the past couple of years. Clearly, the mandates—we need to be doing a better job to fully fund the mandates. We clearly need to be doing a better job to fully fund the special education mandate and I certainly think that some modifications are in order when it comes to the students with English language deficiencies, as well as with special education students, because I also agree with my colleagues that IDEA and No Child Left Behind seem to be in conflict, and I think the evaluation of special education children should really be driven by their individualized education plan.

## PREPARED STATEMENT

But that said and done, you know, I think the—I think the act is a tool that sets clear, definable objectives, and I think it's an act that demands accountability. Certainly funding is an issue. Funding is always going to be an issue. Obviously that's where I will continue to focus my attentions on, but I do want to thank you for this opportunity to speak and to follow my distinguished colleagues. Thank you so much.

[The statement follows:]

## PREPARED STATEMENT OF PAUL G. VALLAS

Good morning. Thank you Chairman Specter, Ranking Member Harkin, and other distinguished members of the subcommittee for this opportunity to appear before you today. When Senator Specter asked me to testify here today on Philadelphia's implementation of the No Child Left Behind Act, I was both honored and humbled to appear. And given Senator Specter's unyielding support of the School District of Philadelphia and of education in general, I was delighted to accept his offer.

Like any broad and sweeping reform of its nature, the No Child Left Behind Act has certainly drawn a great deal of attention recently. Passionate advocates both for and against the Act have filled the airwaves, the newspapers, and sometimes their own backyards with rhetoric espousing its virtues or deriding its failures. While there is certainly room for debate on the pros and cons of the Act, there can be little debate about this fact: there is simply no time to waste when it comes to setting high expectations for our children, providing the needed resources for children to meet these expectations, and holding adults accountable for achieving these expectations. As the head of America's sixth largest school district, it is my belief that the No Child Left Behind Act lays the groundwork for accomplishing these objectives, and I have made every effort to accomplish its mandates.

The chief objective of the Act is closing the achievement gap between majority groups and minority groups. The greatest tool that NCLB provides to achieve this objective—and, I suspect, the greatest object of consternation of some of my colleagues—is the disaggregation of test scores by subgroup. For the first time, we are able to shine a spotlight on groups that have been historically underserved. With this recognition comes our obligation to provide whatever resources we have to correct this historic imbalance, and the structure of the Act provides districts with the opportunity to do so.

The School District of Philadelphia has aggressively implemented all four phases of No Child Left Behind over the past two years. Those four phases are "Expanding Comprehensive School Choice Options," providing "Intensive Supplementary Education Services in Low Performing Schools," "Implementing a Rigorous Corrective Action Plan for Schools Not Making Adequate Yearly Progress," and "Aggressively Recruiting Highly Qualified Teachers." The handout you have been given, entitled "School District of Philadelphia: Programming to Implement No Child Left Behind Legislation" details what we have accomplished under each of these phases, but I would like to draw your attention to a few highlights.

Under “Expanding Comprehensive School Choice Options,” you will note that the District has 176 out of our 263 schools identified as low performing schools. With that, over 45,000 students chose to enroll this year in schools outside of their neighborhood schools. But the District went beyond the limits of “choice” as a decision to be made between your neighborhood school and a “higher performing school.” In addition to meeting the choice mandates of No Child Left Behind, we have also formed innovative new school-by-school partnerships with universities, museums, private managers, and even companies like Microsoft to manage and assist our lowest performing schools. We have also seeded our schools with magnet programs, International Baccalaureate programs, honors classes, dual credit offerings, and advanced placement courses to provide real choice to our parents. The School District has enacted a 300 percent increase in the number of honors and advanced placement courses, because we believe that closing the “high achievement” gap is just as critical as closing the “remedial” gap for our children.

Under the provision calling for “Intensive Supplementary Education Services in Low Performing Schools,” the District has targeted assistance for over 40,000 Grade 1–9 students performing below grade level in reading and mathematics through the implementation of a comprehensive extended day academic program in all district elementary, middle, and comprehensive high schools during the 2003–2004 school year. The District has also implemented a comprehensive mandatory six-week summer school academic program in reading and mathematics for over 58,000 Grade 3–10 students not meeting promotion requirements or performing below grade level. The District has contracted with Voyager, Princeton Review, and Kaplan to provide the curriculum and the professional development for these programs.

The second part of your handout deals specifically with Supplemental Education Services, and I feel it is important to draw your attention to one problematic provision of NCLB here. As the briefing indicates, Pennsylvania has approved, and the School District of Philadelphia has contracted with, 20 providers of Supplemental Education Services. The District’s Intermediate Unit (Pennsylvania’s version of “Education Service Agencies”) has also been approved as a provider, so services to low-achieving students through Voyager and Princeton Review can also receive funding under this provision. I cannot argue with the spirit of a provision that calls for parents to be able to choose between different providers for tutoring and support for their child, and I certainly support a free-market model that has these providers compete to provide the best services. But as the law stands, the price is in essence “fixed” as a percentage of a district’s Title I budget, so very little can be done in terms of achieving the most amount of service for the most economical model. To put it simply, I as a superintendent was faced with the prospect of serving 12,000 students for 36 hours of instruction at \$1,800 per child or serving 40,000 children for 160 hours of instruction at \$300 per child. Wanting to serve the largest number of children, our District pursued the IU-provider model, and given that some of the providers in the Philadelphia area are making 60–70 percent profit on their services, I felt this to be the most prudent course of action.

Under “Implementing a Rigorous Corrective Action Plan for Schools Not Making Adequate Yearly Progress,” the District has developed a mandatory, rigorous, and uniform K–12 standards-based curriculum, instructional delivery models, instructional materials, and aligned professional development system for low-performing schools. We have also implemented a uniform district-wide assessment system to complement the results from our state assessment to provide yearly benchmarks for district and school accountability. As your handout indicates, we have provided a number of additional resources to provide support for our schools lagging behind in AYP. This includes changes in the management, structure, and organization of low performing schools that cannot demonstrate improved performance; 49 failing schools in Philadelphia were restructured with private and charter school management, 22 comprehensive high schools have implemented 9th grade academies designed to narrow the achievement gaps of students below grade level in reading and mathematics, and a number of failing middle schools have been converted into neighborhood K–8 magnet and high school programs.

Finally, the District has wholeheartedly embraced the provisions requiring the “Aggressive Recruitment and Retention of Highly Qualified Teachers.” Under our Campaign for Human Capital, the District hired over 1200 new teachers this year working with programs like Troops for Teachers, Teach for America, our retired teacher program, and aggressive recruitment and retention practices. Even in spite of a substantive class-size reduction in grades K–3, which necessitated the hiring of an additional 400 teachers, we met our hiring objectives and opened the school year with almost no teacher vacancies.

The School District of Philadelphia has chosen to aggressively implement the No Child Left Behind Act because its tenets are sound and its goals are clear: we must

do all that we can to ensure that all of our children are reaching their full potential. There is certainly room for improvement, however. While no one should deny that meaningful increases in federal education funding have been achieved under No Child Left Behind (a 36 percent increase since 2001), providing more Title I resources, which can be used rather flexibly to support proven successful practices like reduced class size and after school assistance, should be a priority. Providing transportation resources for choice programs, which for Philadelphia has meant more than \$7 million in additional costs, would be a welcome assistance. Moving closer to a 40 percent funding of special education versus the current 18 percent funding is critical as disaggregated data shows how woefully inadequate our special education resources are. And complementing a standards and accountability movement such as the No Child Left Behind Act with a desperately needed school construction assistance program would be a smart investment in districts like Philadelphia whose walls have sometimes fallen faster than our test scores in past years.

While we can't shortchange our children by failing to fund reforms, neither can we hold their futures hostage by waiting for a never-ending funding debate to resolve itself. The School District of Philadelphia has demonstrated that substantial education reform can be attained by using existing resources to fund education priorities. In short, our philosophy is about sending all available dollars into the classroom. We will continue to use the tools provided us under the No Child Left Behind Act to accomplish this, and we will not allow excuses to get in the way of achievement. Thank you again for the opportunity to provide comment here today, and I welcome any questions you may have.

#### SCHOOL DISTRICT OF PHILADELPHIA PROGRAMMING TO IMPLEMENT NO CHILD LEFT BEHIND LEGISLATION

##### EXPANDING COMPREHENSIVE SCHOOL CHOICE OPTIONS

*Expand the opportunities for students attending the 176 identified low performing schools (total number of district schools is 263) to transfer to higher performing schools*

Over 45,000 students choose to enroll in schools outside of their neighborhood schools:

- Sent 2003–2004 School Choice notifications to families of 127,499 students via mail; as well as posted information on the district web site, press releases, and public notices to the media.
- Over 3,000 students will transfer from the district's lowest performing, highest poverty schools for the 2003–2004 school year.
- Over 1,000 students transferred as part of a Regional Program for School Choice from the 10 lowest performing/highest poverty elementary schools during the 2002–2003 school year.
- Over 11,000 students participate in the district's voluntary transfer program from 132 racially isolated low performing schools.
- Over 11,000 students are enrolled in district magnet programs in 13 high performing middle and high schools (over the next five years a significant number of magnet programs will be introduced with as many as 15 added during the 2003–2004 school year).
- Over 19,000 students are enrolled in 46 charter schools (four new charter schools have been approved for 2003–2004, and an additional three new charters will open in 2004–2005).

Over 20,000 students are enrolled in the 70 identified new partnership schools (45 privately managed, 21 restructured by the district, and 4 new district charters) as part of the school reform process (over the next five years the number of partnership schools will continue to increase, with 10 additional schools added in 2003–2004).

Within the next five years, 11 new magnet high schools will be constructed (one in each academic region); 14 large middle schools will be converted to small neighborhood magnet high schools (during 2003–2004, 6 middle schools will begin conversions).

- Formed partnerships with universities (Drexel, Eastern, Holy Family, St. Joseph's, and Temple Medical School) to develop new management structures for low performing high schools.
- Formed partnerships with private and public institutions to enroll high school juniors and seniors in high performing college preparatory and school-to-career programs.

Within the next five years, 30 low performing smaller middle schools will be converted into neighborhood K–8 schools with open enrollment for students living in that region.

## INTENSIVE SUPPLEMENTARY EDUCATION SERVICES IN LOW PERFORMING SCHOOLS

*Expand the opportunities for students attending low performing schools to receive intensified supplementary education services to significantly improve academic achievement*

Implemented aggressively a school readiness campaign (Healthy Kids, Healthy Minds) for screening and health care support services for students prior to enrolling in the district's full-day Kindergarten program, and at appropriate grade levels in compliance with Commonwealth of Pennsylvania mandates (during 2002–2003, 75 percent of students screened for vision, 2003–2004 projection: 95 percent; during 2002–2003, 12 percent of students screened for dental, 2003–2004 projection: 75 percent).

Targeted physical and behavioral health care support and case management services for elementary school students who are performing below grade level, i.e., establishment/verification of insurance coverage, medical and dental care homes, behavioral health linkages as needed, and timely resolution of identified health problems (during 2002–2003, 72 percent of students had documented insurance, 2003–2004 projection: 95 percent).

Implemented a rigorous district-wide promotion/graduation policy as a means of identifying and supporting students performing below grade level.

Targeted assistance for approximately 30,000 Grade 3–9 students performing below grade level in reading and mathematics through the implementation of a comprehensive extended school day academic program in all district elementary, middle, and comprehensive high schools during the 2002–2003 school year.

Contracting with PDE approved providers to administer extended school day and summer programs including Voyager, Princeton Review and Kaplan Learning, 21 community based organizations in 11 Beacon School sites (serving over 1,300 students with 8 new sites in development), and 17 private providers (offering tutoring services to 4,538 students).

Implementing a comprehensive mandatory six-week summer school academic program in reading and mathematics for over 58,000 Grade 3–10 students not meeting promotion requirements or performing below grade level (12,000 students participated in 2002).

—Providing summer programs for over 5,000 English Language Learners and Special Education students.

## IMPLEMENTING A RIGOROUS CORRECTIVE ACTION PLAN FOR SCHOOLS NOT MAKING ADEQUATE YEARLY PROGRESS

*Develop and implement a rigorous accountability system that ensures academic improvement and sustained growth through a system of evaluating, monitoring, and providing assistance to low performing schools*

Developed a mandatory, rigorous, and uniform K–12 standards-based curriculum, instructional delivery models, instructional materials, and aligned professional development system for low performing schools.

Implemented a uniform district-wide assessment system to complement the results from the state assessment system (Grades 3, 5, 8, 11 in reading, writing, and mathematics) and provide yearly benchmarks for district and school accountability.

—Over 128,000 Grade 3–10 students were assessed using the TerraNova in reading, mathematics, and science in the fall 2002 to set district, school, and individual student baselines for academic performance.

—Over 157,000 Grade 1–10 students were assessed using the TerraNova in reading, mathematics, and science in the spring 2003 to measure district, school, and individual student progress for academic performance from the fall 2002 baseline.

—Over 58,000 Grade K–3 students were assessed quarterly using the Dynamic Indicators of Basic Early Literacy Skills to measure and track individual student progress in fluency, phonics, and phonemic awareness.

—Over 58,000 Grade K–3 students were assessed quarterly using the Diagnostic Reading Assessment to measure and track individual student progress using running records.

Developed a rigorous district-wide school performance index to complement the state NCLB Accountability Plan by tracking school progress using a variety of indicators including the PSSA, the TerraNova, student mobility (the district average is 35 percent annually for each school), student, attendance, teacher attendance, persistence rates (the percentage of students who do not drop out of school before graduation), and promotion and graduation rates.

Implemented a rigorous school quality review process to evaluate the performance of the district's 85 identified lowest performing schools.

Wrote corrective action plans with mandated timelines and implementation strategies for the district's 85 identified lowest performing schools (this includes privatized, charter, and district restructured school models).

Designed and implemented a uniform process for school improvement planning for the 2002–2003 school year for all the district's 263 schools, based on the findings from the school quality review process.

Developed procedures for changes in the management, structure, and organization of low performing schools that cannot demonstrate improved performance.

Pre qualified up to 5 new private companies to manage additional low performing district schools.

Restructured 49 failing schools by implementing proven privatized and charter school models (over the next five years the number of privatized and charter schools will continue to increase, with 14 additional schools added in 2003–2004).

Restructuring failing middle schools by converting schools into neighborhood magnet K–8 and high school programs (during 2003–2004, 3 middle schools begin conversions).

Restructuring failing high schools by implementing a rigorous reform movement that includes converting schools that do not demonstrate improved performance into neighborhood magnet programs (during 2003–2004, 22 comprehensive high schools will implement 9th grade academies designed to narrow the achievement gaps of students below grade level in reading and mathematics).

Facilitated the implementation of the Accountability Review Council in cooperation with the School Reform Commission to meet the requirements of the district reform partnership agreement between the city and state governments (the ARC will certify the district's reform results and produce annual report cards measuring the progress of reform).

#### AGGRESSIVE RECRUITMENT OF HIGHLY QUALIFIED TEACHERS

*Institute the Campaign for Human Capital, a blueprint for the recruitment, retention, and renewal of a highly qualified teaching staff*

Utilizing alternative recruitment strategies including Teach America and Troops to Teachers (resulting in the hiring of 145 new qualified teachers).

Implementing an aggressive strategy to recruit qualified mathematics and science teachers through partnerships with local universities such as Drexel University and the Transition to Teaching Program.

Expanding the Reduced Class Size model from K–2 to K–3 classrooms to increase the district's pool of highly qualified elementary school teachers.

Preparing emergency certified teachers for the Praxis examination by offering classes at Holy Family, Temple, or using an on-line Praxis preparation course.

Expanding the district's pool of highly qualified elementary school teachers by assigning former literacy interns who have become certified to serve as stand alone teachers (it is anticipated that 250 new teachers will come from this pool).

Developing a competency profile made up of characteristics commonly possessed by the highest quality teachers as found by a variety of research methods, including surveys, focus groups, interviews, etc.

Implementing an aggressive marketing campaign to target segmented groups of high need teacher candidates (African-Americans, males, critical needs subject area candidates).

Implementing a training program to build the capacity of the recruitment team by exposing them best practices.

Designing "Leadership for Retention and Renewal" professional development program—that will equip them with the skills and strategies necessary to support all teachers (rookie, novice and veteran) in their schools.

Implementing a tuition reimbursement program for teachers beginning their second year in the district to continue professional development, thus providing an incentive for ongoing professional growth.

Implementing a comprehensive mandated pre-service training program all new teachers must attend to ensure their preparedness for entering our classrooms.

Establishing the position of New Teacher Coach to support newly hired at teachers at a 10:1 ratio.

Expanding the district's current incentive programs to attract highly qualified teachers to include a Teacher Ambassador Program called "Every Teacher, an Ambassador" which will provide a monetary incentive for identifying certified teachers and teachers in hard to staff positions.



Increasing the number of student teachers by offering a series of incentives to the student teacher as well as to the cooperating teacher.

Creating for the 2003–2004 recruitment season a “Roll Out the Red Carpet Campaign” strategy that will attract college juniors and seniors from our regional colleges and universities to learn about the benefits of teaching in our schools and living in Philadelphia.

Testing of all instructional paraprofessionals has begun and will continue until all paraprofessionals meet the requirements of the statute.

#### SES PROVIDERS

No Child Left Behind guarantees that students from low income families who are attending low performing schools will have access to tutoring services paid for by the School District of Philadelphia. The Intermediate Unit’s program was recently approved by the State as one of these supplemental providers.

	Number of hours	Cost	Students served
SES Providers (47 approved by state) .....	36–40 hours total .....	\$1,815 per student ....	12,500
Extended Day (using state approved providers) ..	160 hours .....	\$300 per student .....	Upwards of 40,000

The District, as required by law, notified parents that they could choose to use the services of an SES provider by letter on October 24. The letter included a list of all the SES providers—as well as their phone numbers—that had submitted their paperwork to the District.

This letter followed up and reinforced an aggressive advertising program launched by the SES providers themselves back in August.

The SES advertising has been ongoing from August until today.

17,000 students improved their performance between the beginning of last year and the beginning of this year so that they have moved out of the bottom quartile, as measured by the Terra Nova. However, these students are still encouraged to take advantage of the District’s Extended Day program.

Extended Day is being modified from last year to include an hour of instruction as well as an hour of enrichment activities Monday through Thursday. The curriculum for instruction aligns with state standards and directly supports the new standardized curriculum being taught in all classrooms throughout the District. The second hour, provided in conjunction with community based organizations, is optional.

There are 30,500 3rd through 8th graders in the District that can take advantage of the Extended Day program. In fact, the first hour of Extended Day is mandatory for students in grades 3, 8 or 11 who are scoring in the bottom quartile, as measured by the Terra Nova.

The objective of the District’s Extended Day program is to provide high quality supplemental educational services to all the District’s children.

To ensure that parents know about that they have this choice, the School District is sending letters home with students in 192 schools. Pursuant to federal law, low income families at the 192 schools qualify for supplemental services.

State approved providers have partnered with the District in order to provide the high quality Extended Day program. The providers include Voyager, Princeton Review and Kaplan.

Extended Day—which began October 17 for grades 3–8 and will begin on December 2 for grades 1, 2 and 9—is able to provide more hours of instruction and enrichment to more students than supplemental service providers can because they cost significantly less. For example, the average cost of Extended Day is about \$300 per student for the 20 week program (up to 160 hours), while the law authorizes comparable supplemental services for \$1,815 per student.

While the District supports the spirit and intent of the federal No Child Left Behind law, it intends to enforce academic and fiscal accountability. This will ensure that as many children as possible can have access to services.

Educational choice for parents and students is actually reduced when private companies are allowed to make unreasonable profits at the expense of students. Fewer students can be served and the quality of the program invariably diminishes.

Senator SPECTER. Thank you very much, Mr. Vallas. When you said the thing has already been said, that was a commentary of a very famous Congressman, Mo Udall, a Democrat from Arizona. He stood at a speech once after many speakers presented themselves and he said, everything has been said, but not by everybody. And

on Capitol Hill, it doesn't matter that everything has been said until everything has been said by everybody.

This has been a very informative hearing and I want to thank you for coming from Pennsylvania on short notice. When I saw the meeting which you had on March 1, just on Monday, it seemed to me that really ought to attract the attention of the Secretary and his expert in the field, Mr. Ray Simon. And the Secretary will meet with you at 2 p.m. and you'll have a little more time.

Everything that's been said has been transcribed in the record, and although the Senators come and go because they have many other committee assignments, the transcript will be read by staff and your words will be weighed, and I believe that there will be changes to No Child Left Behind. There will be modifications made as we go through the learning curve, and there will be more funding as well.

We have a very tight budget this year, which you all know, but there are many of us here who, as you said, Dr. Tucker, consider education an investment. It is not an expenditure, and when Mr. Evans outlines what he has done for AFNA, we have recognized that on the Federal funding for many, many years, as we have recognized what you have done, Dr. Tucker, and what you are all doing.

So thank you very much for coming. There is no higher priority on the budget than education and this subcommittee will pursue it with great diligence.

Dr. TUCKER. Thank you, Senator, too, for having us here.

#### STATEMENT OF SENATOR THAD COCHRAN

Senator SPECTER. We have received the prepared statement of Senator Thad Cochran which will be placed in the record.

[The statement follows:]

#### PREPARED STATEMENT OF SENATOR THAD COCHRAN

Mr. Chairman, I want to welcome the Secretary and thank him for coming to testify before the subcommittee today, and for his outstanding service to our nation as Secretary of Education.

I appreciate the Secretary's attention to my state of Mississippi, which is also his home state. He has honored us with several personal visits.

I've visited with our State School Superintendent, and a good number of teachers, principals and parents since the passage of the No Child Left Behind Act. My impression is that our State has embraced the concept of accountability and is utilizing the new flexibility that is built into the programs.

I'm pleased to see the budget proposal for the Department of Education suggests increases of \$1 Billion each for title I grants and Special Education grants to states. And, I'm pleased that continued funding is suggested for Ready to Learn Television, Civic Education, Character Education and other areas of importance. There are some areas in the budget proposal that eliminate programs that have been important to individual schools, teachers and assisted the State's efforts in meeting the requirements of No Child Left Behind. In particular, proposed elimination for the National Writing Project, Arts in Education, Gifted Education, STAR Schools, and Foreign Language programs for K-12 schools draw my attention. I'm concerned about those areas, and I know we'll work through the appropriations process and try to meet the needs and interests in my state and across the nation.

#### ADDITIONAL COMMITTEE QUESTIONS

Senator SPECTER. There will be some additional questions which will be submitted for your response in the record.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR ARLEN SPECTER

PENNSYLVANIA TITLE I FUNDING

*Question.* In Pennsylvania 233 of 500 school districts who receive Title I grants will receive less funding in fiscal year 2004 than they did in fiscal year 2001, the year before the No Child Left Behind Act was passed. As a former superintendent, what advice related to carrying out this important law do you have for the 233 districts in Pennsylvania that will receive fewer Title I funds in fiscal year 2004 than they did in fiscal year 2001?

*Answer.* My advice would be that as important as Title I funding is to local school districts, it is typically a small fraction of overall funding, and that the reforms in No Child Left Behind are specifically designed to leverage education spending from all sources, Federal, State, and local. So the question is not what can or cannot be done with a Title I allocation, which may be smaller or larger than it was the year before, but how can we better allocate all our funding to help ensure that all our students reach challenging State standards.

BUDGET REQUEST AND HIGHLY QUALIFIED TEACHERS

*Question.* Is the President's budget request for fiscal year 2005 sufficient to meet the requirements of the No Child Left Behind Act, such as to attract, train and retain "highly qualified" teachers, implement additional testing requirements, and provide more public school choice and after-school tutoring, in light of the reduction in Federal funding for these districts?

*Answer.* We believe Federal funding is more than adequate to meet the requirements of No Child Left Behind programs. As I mentioned earlier, success in meeting those requirements depends not primarily on a particular level of Federal support, but on making better decisions in the use of combined education funding from Federal, State, and local sources. I would add that when it comes to testing, the development and implementation of the additional assessments required by No Child Left Behind is separately funded through a State grant program, and the amount of this funding has been going up every year. In addition, not all districts are required to provide public school choice and supplemental educational services, just those in which schools have been identified for improvement, corrective action, or restructuring.

STUDENTS TRANSFERRING TO SCHOOLS NOT IDENTIFIED FOR IMPROVEMENT UNDER NO CHILD LEFT BEHIND ACT

*Question.* Based on available information and pending analysis of consolidated State applications and other State-reported data, the Department has reported that 5,000 schools have been identified for improvement and an estimated 2.5 million students are available to transfer to a public school that is not identified for improvement. How many of these students have in fact transferred?

*Answer.* These data will be included in the Department's forthcoming report on the implementation of key provisions in No Child Left Behind, which is scheduled for completion and submission to the Congress in late spring of this year.

TITLE I SCHOOL CHOICE

*Question.* What is known about whether eligible students and their parents are choosing to stay in their current school?

*Answer.* We do not have comprehensive data on this issue, but preliminary studies carried out by education organizations, as well as news reports, suggest that the great majority of students eligible to transfer to another public school do indeed stay in their current school. Sometimes this is because parents and students are more comfortable in their neighborhood schools; in other cases it may be that parents are encouraged by improvement efforts or other special programs at their current school. In still others, it may be that local school officials have not done enough to inform parents about available choices or have not provided that information early enough in the year.

I would add that I see nothing wrong with parents choosing not to move their children, so long as they receive sufficient information on the available choices. The point of the public school choice requirement is that parents and students have op-

tions if they are not happy with their current school, and that no student is forced to remain in a poorly performing school if there is a better alternative.

#### BARRIERS TO SCHOOL CHOICE

*Question.* To what extent do real and perceived barriers prevent students from exercising the choice option required by No Child Left Behind?

*Answer.* I believe it is too early to determine the extent of this problem. Certainly in the first couple of years of implementing No Child Left Behind many districts did not aggressively inform parents of available choice options, and in many cases the fact that options were made available only after the school year had already started discouraged students from transferring. We expect, and have already seen, that such problems diminish over time, as States and districts improve their procedures and more parents become aware of choice options.

*Question.* What specifically does the fiscal year 2005 budget propose to address these issues?

*Answer.* Effective implementation of public school choice under No Child Left Behind is not really a budget issue, and our budget does not include any specific proposals in this area. As I mentioned earlier, I believe this is a problem that is being addressed over time. And of course the Department continues to provide guidance and technical assistance on public school choice, and to examine choice implementation as part of its regular Title I monitoring efforts.

#### REPORT ON NCLB IMPLEMENTATION

*Question.* The subcommittee understands the Department's report to Congress, including State and local performance related to No Child Left Behind, is expected to be available in late spring of 2004. As soon as it is available, please provide the subcommittee with a copy of the report.

*Answer.* We expect that the report will be completed and submitted to the Congress in late spring of this year.

#### COSTS OF SCHOOL IMPROVEMENT AND CHOICE REQUIREMENTS

*Question.* Based on information derived from State reporting and/or other reliable and appropriate data, what is the Department's estimate of the funding required to meet all of the requirements related to school improvement status—public school choice, supplemental services, school restructuring, etc.—which must be taken with respect to schools that fail to meet adequate yearly progress standards for 2 or more consecutive years?

*Answer.* There is no reliable way to estimate such costs, primarily because States and districts have great flexibility in developing school improvement plans, and because costs will vary greatly from district to district depending on the extent of the problems that are preventing schools from meeting adequate yearly progress (AYP) standards. Also, it is not necessarily the case that school improvement or restructuring requires additional funding. More often, districts will obtain improved results through better use of existing funding from all sources—Federal, State, and local—rather than merely adding new spending or initiatives that tend to ignore problems in core instructional areas.

*Question.* Does the fiscal year 2005 budget request provide sufficient funds to pay the costs of such activities?

*Answer.* We believe the President's budget request, combined with funding made available in earlier years as well as State and local resources, is sufficient to pay for the school improvement requirements of the No Child Left Behind Act.

#### FUNDS FOR SCHOOL IMPROVEMENT

*Question.* Mr. Secretary, the Pennsylvania Department of Education has indicated that under the No Child Left Behind law, they will have fewer funds available at the State level for school improvement than they did in fiscal year 2001, while they have almost three times as many schools identified as in need of improvement. How will the Department provide these schools with the additional assistance they need to improve the academic achievement of students, with fewer resources?

*Answer.* It is possible that State-level resources for school improvement are somewhat lower than under the earlier law, but overall funding for school improvement efforts, which under No Child Left Behind is targeted to the district level, greatly exceeds the funding available for such activities prior to reauthorization. This is because under the old law, States were permitted, but not required, to reserve up to one-half of one percent of their Title I allocations for school improvement efforts. Under No Child Left Behind, beginning in fiscal year 2004, States are required to

reserve 4 percent of their allocations for school improvement, and to distribute 95 percent of such reservations to those school districts with the greatest need for such funds.

To put this change in dollar terms, in fiscal year 2001, States might have reserved as much as \$44 million for school improvement. In fiscal year 2005, under the President's request for Title I, they will be required to reserve more than \$500 million for this purpose.

Congress did provide, in appropriations language, separate funding for school improvement, including the provision of public school choice options, in fiscal years 2000 and 2001. Even these amounts—\$134 million in 2001 and \$225 million in 2002—were significantly below the levels provided under No Child Left Behind.

*Question.* What other resources are proposed in the fiscal year 2005 budget to assist schools trying to improve the academic achievement of all students, particularly those schools identified as in need of improvement or on watch lists?

*Answer.* There are no specific proposals for additional school improvement-related funding in our budget, both because we believe the Title I reservation is sufficient and because, in a larger sense, all of our programs provide funding that is intended to help schools improve the academic achievement of all students.

#### SUPPLEMENTAL SERVICE PROVIDERS

*Question.* Has the Department compiled any evidence that third-party supplemental services providers are more successful than their regular public schools in providing Title I services?

*Answer.* No, we do not yet have any performance data on supplemental service providers. What we do know is that Title I, as operated by regular public schools over the past four decades, has largely failed to improve achievement for participating students. No Child Left Behind is trying to change this rather unimpressive record, and we believe third-party providers will be able to make a contribution in this effort, particularly for low-income students in schools that consistently do not make adequate yearly progress.

#### CHOICE AND SUPPLEMENTAL SERVICES

*Question.* What information is available about the timeliness and effectiveness of communication to parents of affected pupils eligible for public school choice and supplemental services options?

*Answer.* Preliminary studies and other early evidence suggests a mixed record by districts in communicating No Child Left Behind choice and supplemental service options to parents. In part this reflects the usual difficulties encountered in doing something new, and we have seen districts improve over time. And, unfortunately, it also reflects at least occasional reluctance by districts to fully comply with the requirements or spirit of the new law.

*Question.* Are parents typically being offered a substantial range of choices?

*Answer.* Based on the limited information we have, most districts are complying with the law, which requires a choice of more than one school. This is not the same as a "substantial range of choices," but the law and our regulations do give districts some flexibility in this area, in order to take into account geographic limitations and allow LEAs to make efficient use of transportation resources.

*Question.* Have any localities received waivers from the requirement to provide supplemental services; if so, how many have been provided?

*Answer.* Such waivers may be approved by State educational agencies only if there are no available service providers and the school district itself is unable to provide services. We do not have data on waivers that SEAs may have granted.

#### MATHEMATICS AND SCIENCE PARTNERSHIPS

*Question.* The fiscal year 2005 budget proposes to override the No Child Left Behind Act authorization for the Math and Science Partnerships program in order to administer a new competitive grant competition focusing solely on math instruction for secondary education students. How is this proposal consistent with Goal 2 and objectives 2.2 and 2.3 identified in the Department's fiscal year 2005 Performance Plan related to math and science achievement, when additional funds may only be used for math instruction in secondary schools?

*Answer.* The Administration believes that it is critical to fund efforts specifically to accelerate mathematics learning at the secondary level by helping secondary students master challenging curricula and by increasing the learning of students who have fallen behind in mathematics. Research indicates that many students who drop out of school lack basic skills in mathematics, and our Nation needs to support these students so that they can catch up to their peers and stay in school.

*Question.* Where does the Department find any congressional intent for it to run a separate \$120 million grant program focusing only on math instruction and reduce State flexibility to target funds to areas of greatest need?

*Answer.* It is not at all unusual for a President to identify critical educational needs and, in between the periodic congressional reauthorizations of major education laws, propose either modifications to existing programs or even entirely new programs to address such needs. It also is not unusual for both the President and the Congress to emphasize one part of a law over another. In the case at hand, the President believes there is good reason to give priority to improving math instruction. Moreover, he is proposing to use new money to pursue this priority, thus preserving State flexibility in the use of existing funding.

#### STUDENTS' SCIENCE ACHIEVEMENT

*Question.* Since annual science assessments will be required under NCLB beginning in the 2007–2008 school year, won't this new grant program designed only to improve math achievement curtail efforts to improve science achievement?

*Answer.* Since we are proposing to use new money for the President's proposal to improve math instruction, I do not see how this would "curtail" current efforts to improve science achievement. In addition, since mastery of basic mathematics is often a prerequisite for learning most sciences, I believe it is reasonable to argue that the President's proposal may well have the additional benefit of contributing to improved science achievement.

#### FUNDS FOR ASSESSMENTS REQUIRED BY THE NCLB ACT

*Question.* To date, the Congress has appropriated more than \$1,161 million to assist States with the development and implementation of additional assessments required by the No Child Left Behind Act and the fiscal year 2005 budget request includes \$410 million for such authorized activities. The General Accounting Office, National Association of the State Boards of Education and other organizations have developed different estimates for the costs associated with the additional assessment requirements of No Child Left Behind. Is the Department confident that funding provided at the proposed fiscal year 2005 level—in addition to funds already appropriated—would be sufficient to meet the additional assessment requirements of the No Child Left Behind Act? If so, please provide the subcommittee with the specific evidence used by the Department to reach this conclusion.

*Answer.* We believe that the funding provided under the State Assessment Grant program, in addition to being fully consistent with the congressional authorization level and the "trigger amounts" in the law, is sufficient to pay for the costs of developing and implementing the new assessments required by No Child Left Behind.

These costs vary considerably, of course, depending on such factors as the grades covered by a State's existing assessment system, the number of students tested, and the types of assessments used. This is why the cost estimates developed by differing organizations also vary considerably. Under these circumstances, and particularly in view of the fact that such costs were not separately funded under the previous law, we believe that No Child Left Behind funding for assessments reflects a reasonable and responsible approach to paying for the new assessments.

#### GRANTS FOR ENHANCED ASSESSMENTS

*Question.* Within the amount provided for assessments, more than \$21 million has been used for activities authorized under the Grants for Enhanced Assessments Instruments program. Specifically, what projects have been funded to assist States with meeting the challenge of developing and implementing appropriate alternate assessments for students with disabilities and for developing and implementing assessments for English language learners?

*Answer.* So far the Department has made nine grants under this program using approximately \$17 million from fiscal year 2002 funds. A competition to award \$4 million from fiscal year 2003 closed on April 5, 2004. The Department estimates that it will make 6 grant awards from these funds.

#### ENHANCEMENT OF ASSESSMENT PROJECTS FOCUS ON STUDENTS WITH DISABILITIES AND STUDENTS WITH LIMITED ENGLISH PROFICIENCY

The nine current projects, which are awarded to States or consortia of States, focus on enhancement of assessments for students with disabilities and students with limited English proficiency. Four projects focus on the assessment of English proficiency, two focus on appropriate test design and accommodations for LEP students, one project examines appropriate accommodations for special education stu-

dents, one aims to improve the technical quality of alternate assessments for students with severe disabilities, and one project will enhance State capacity to evaluate and document the alignment between State standards and State assessments.

Below is a short summary of each Grants for Enhanced Assessments project:

Lead State: Utah Collaborators: Montana, Idaho, New Mexico, Colorado, Oregon, Wyoming, and North Dakota

Grant amount: \$1,842,893

Summary: The project aims to develop a series of assessments of English language proficiency at four levels (K–3; 4–6; 7–9; 10–12) to enable teachers to diagnose the proficiency level of English language learners (ELLs).

Lead State: Rhode Island

Collaborators: Maine, New Hampshire, and Vermont

Grant amount: \$1,788,356

Summary: The project will build upon an existing collaboration among Maine, New Hampshire, Rhode Island and Vermont and will help compare progress across States and combine resources to develop the highest quality assessments. States will examine the impact of computer-based testing accommodations on the validity of test scores for students with and without special needs, and train teachers to create and use the assessments.

Lead State: South Carolina

Collaborators: American Association for the Advancement of Science, Austin (Texas) Independent School District, The Council of Chief State School Officers, District of Columbia Public Schools, Maryland, and North Carolina

Grant amount: \$1,719,821

Summary: The project will help gather valid information about ELLs' academic knowledge and skills, and matching ELL students with the proper accommodations based on their testing needs.

Lead State: Oklahoma

Collaborators: Alabama, California, Delaware, Kansas, Louisiana, Massachusetts, Minnesota, New Jersey, North Carolina, Pennsylvania, South Carolina, Texas, Wyoming, West Virginia, and Wisconsin

Grant amount: \$1,442,453

Summary: The project will work to expand and automate a process for judging the alignment of assessments with content standards, serve students with disabilities and help link assessments across grades. The alignment process system will be available on a CD-ROM that can be readily distributed to States to increase the use of the alignment tool in assessment development and verification.

Lead State: Nevada

Collaborators: Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, South Carolina, Texas, and West Virginia

Grant amount: \$2,266,506

Summary: The project will help States implement assessments to measure the annual growth of English language development in speaking, listening, reading and writing. The project will produce test forms and an item bank from which States can draw to create test forms that reflect local needs and characteristics, and will help States predict ELLs' readiness for English language assessment.

Lead State: Pennsylvania

Collaborators: Maryland, Michigan, and Tennessee

Grant amount: \$1,810,567

Summary: This project is designed to help States assess ELLs by analyzing State standards, establishing content benchmarks and developing standards-based assessments drawn from scientific research. The resulting assessments are to be shared with interested States and districts.

Lead State: Colorado

Collaborators: Iowa, Oregon, Illinois, Missouri, South Carolina, West Virginia, and Wyoming

Grant amount: \$1,746,023

Summary: The project will help improve alternative assessments for students with complex disabilities, and the assessment methods will be developed, pilot tested and analyzed during the course of this project.

Lead State: Wisconsin

Collaborators: Alaska, Delaware and Center for Applied Linguistics, Center for Equity and Excellence in Education, Second Language Acquisition, University of Wisconsin, and University of Illinois

Grant amount: \$2,338,169

Summary: This project will develop and enhance assessment instruments specially designed to measure ELLs' performance and progress in English proficiency

and literacy skills based on State standards on reading, writing and language arts and alternate assessments to measure their performance in other academic content areas.

Lead State: Minnesota

Collaborators: Nevada, North Carolina, and Wyoming

Grant amount: \$2,013,503

Summary: This project will develop new tools to measure the progress of ELLs using technology to pilot language assessment, develop new methods to organize, collect and score student assessment data and combine data from multiple measures to improve the evaluation of student progress over time. Staff development will help teachers use assessment results to improve instruction and the methods will be available to other States.

#### EFFECTIVENESS OF ASSESSMENTS BEING DEVELOPED

*Question.* Has the Department disseminated information about the best practices and innovative approaches to high-quality, appropriate assessment tools developed through this funding stream?

Answer. The first awards under this program were made a little over a year ago, and it is too early to assess the effectiveness of the assessments that are under development by the various grantees.

#### STATEWIDE LONGITUDINAL DATA SYSTEMS

*Question.* Mr. Secretary, section 208(e) of Public Law 107-279 requires you to “make publicly available a report on the implementation and effectiveness of Federal, State, and local efforts related to the goals of this section, including—identifying and analyzing State practices regarding the development and use of statewide, longitudinal data systems . . .” as well as other required elements, not later than one year after the enactment of the Education Technical Assistance Act of 2002. What is the status of this report?

Answer. The Department currently is not preparing the specific report referenced in section 208(e), but has been pursuing similar efforts—including the analysis of existing State data systems, the identification of weaknesses, and highlighting best practices—as part of our Performance Based Data Management Initiative.

#### STATEWIDE LONGITUDINAL DATA SYSTEMS NOT REQUIRED BY NCLB

*Question.* Given the importance of high quality and timely student achievement data as relates to implementation of No Child Left Behind, don’t you agree with the critical need to assess State systems and provide evidence of best practices with regard to such statewide systems?

Answer. I agree that reliable student and school performance data are essential to reaching the goals of No Child Left Behind, and we are working with States and school districts on this issue through our Performance Based Data Management Initiative. This initiative is focused on the performance data required by No Child Left Behind, and will consolidate data collection from States, districts, and schools to both improve data quality and reduce paperwork burdens.

However, the reporting requirements of No Child Left Behind are almost exclusively concerned with groups of students, rather than individual students. For this reason, although statewide longitudinal data systems may be very desirable as a tool to support educational reform, they are not required to successfully implement the No Child Left Behind Act.

Moreover, most of the data that would be collected by such longitudinal systems—such as enrollment, annual assessment results for individual students, course completion, and SAT and ACT results—is required for State purposes and not for meeting Federal reporting requirements.

For these reasons, while I applaud efforts to develop statewide longitudinal data systems, I believe such systems are primarily a State and local responsibility.

#### EDUCATION PROGRAM FUNDS THAT CAN BE USED FOR STATEWIDE LONGITUDINAL STUDENT DATA SYSTEMS

*Question.* How does the fiscal year 2005 budget request specifically support the goal of ensuring that States and school districts have the knowledge and resources to develop and implement such systems?

Answer. As indicated previously, longitudinal student data systems are not required by the No Child Left Behind Act, and thus have not been targeted for specific support in our fiscal year 2005 budget request. States are free to use Title V, Part A State Grants for Innovative Programs for this purpose, as well as State Assess-



ment Grant funding once they have implemented the full range of assessments required by No Child Left Behind. In addition, the Department is providing \$10 million annually to support the integration of statewide data systems as part of our Performance Based Data Management Initiative.

*Question.* Mr. Secretary, I am informed by the Pennsylvania Department of Education that it needs \$12 million over 3 years to implement the required system in Pennsylvania and an additional \$1 million per year to maintain it. What Federal funding is available for the Commonwealth to develop the statewide data system required to support effective implementation of the No Child Left Behind Act?

*Answer.* Again, while Pennsylvania deserves praise for undertaking the development of a statewide longitudinal student data system, such a system goes beyond the data-collection requirements of the No Child Left Behind Act. And since this system would primarily serve the needs of Pennsylvania's school districts and schools, finding \$12 million over three years should not be overly daunting for a State that spends more than \$16 billion annually on public elementary and secondary education.

However, as I mentioned earlier, Pennsylvania could use Title V, Part A State Grants for Innovative Programs funding, as well as State Assessment Grant funding once it has implemented the assessments required by No Child Left Behind, to support the development and implementation of its statewide longitudinal student data system.

#### PELL GRANT MAXIMUM

*Question.* The President's fiscal year 2005 budget proposes to establish \$4,050 for the Pell Grant maximum award, the same as fiscal year 2003 and fiscal year 2004. If adopted, this would mean three years, consecutive years at this maximum grant level. According to the College Board, tuition for 4-year private colleges has gone up more than 5 percent for the third year in a row; and for public 4-year universities, tuition has increased by more than 13 percent this year. I would also note that research has demonstrated that low-income students are not as successful in completing their postsecondary education because they often attend school part time, work long hours, and borrow heavily.

Mr. Secretary, doesn't your proposal to maintain the current maximum Pell Grant at \$4,050 for fiscal year 2005 mean that students served by the program will lose ground relative to the price of postsecondary education?

*Answer.* We share your concern about the increasing cost of higher education. Our primary goal, however, must be to secure the financial stability of the Pell Grant program, the cornerstone of Federal student aid. Raising the maximum award without adequate funding would exacerbate the program's funding shortfall, currently estimated at \$3.7 billion by the end of award year 2004-05. The Administration's 2005 budget would increase Pell Grant funding by over \$800 million to fully fund the cost of maintaining the current \$4,050 maximum award. The Administration is committed to working with Congress to eliminate the shortfall and place the program on a firm financial footing.

#### COLLEGE ENROLLMENT GAP

*Question.* What other support is proposed in the President's budget to reverse the increasing college enrollment gap between low- and high-income students?

*Answer.* The Administration's Enhanced Pell Grants for State Scholars proposal is one way the President's budget addresses this issue. Research consistently shows students who complete a rigorous high school curriculum are more successful in pursuing and completing postsecondary education. The Administration's proposal will encourage additional States and their local governments to participate in the State Scholars program, encouraging low-income students to successfully complete these programs.

The Administration also supports strong academic preparation for postsecondary education and training through the Federal TRIO and GEAR UP programs. The Administration is proposing in fiscal year 2005 to spend \$1.13 billion dollars for these two programs. In addition, the Administration is doubling support for the Advanced Placement Program. Low-income students who participate in Advanced Placement programs, which give students the opportunity to take college-level courses in high school, are much more likely to enroll and be successful in college than their peers. These programs also serve as a mechanism for upgrading the entire high school curriculum for all students. The Administration is proposing a \$28 million increase for the Advanced Placement program authorized in the No Child Left Behind Act, bringing spending on it to nearly \$52 million a year.

## LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIPS

*Question.* Why does the fiscal year 2005 budget propose to eliminate the \$66.2 million in funding for the Leveraging Educational Assistance Partnerships program—which helps States establish and expand need-based student aid programs—despite the fact that it is the only Federal program designed to expand the amount of need-based student aid provided by States?

*Answer.* When the Leveraging Educational Assistance Partnerships (LEAP) program was first authorized as the SSIG program in 1972, 28 States had undergraduate need-based grant programs. Today all but two States have need-based student grant programs. State grant levels have expanded greatly over the years, and most States significantly exceed the statutory matching requirements. For academic year 2002–2003, for example, estimated State matching funds totaled nearly \$1 billion. This is more than \$950 million over the level generated by a dollar-for-dollar match, and far more than would be required even under the 2-for-1 match under Special LEAP. This suggests a considerable level of State commitment, regardless of Federal expenditures.

## PELL GRANT COST ESTIMATES

*Question.* The Administration has proposed a budget process reform that would change budget scoring with respect to the Pell Grant program. For the last three fiscal years, what was the difference between program costs (displayed by academic year) for the Pell Grant program as estimated in the President's Budget, and at the time of the Mid-Session Review?

*Answer.* The requested information is shown in the following table.

Fiscal year	Award year	Max award proposed	Est. program cost President's budget	Est. program cost mid-session review	Difference
2002 .....	2002–03	\$3,850	\$9,582,000,000	\$9,531,000,000	(\$51,000,000)
2003 .....	2003–04	4,000	10,863,000,000	11,442,000,000	579,000,000
2004 .....	2004–05	4,000	11,410,000,000	12,133,000,000	723,000,000

## MID-SESSION REVIEW REESTIMATES OF PELL GRANT PROGRAM COSTS

*Question.* For the same period, what were the differences between the assumptions used in the President's budget and those available at release of the Mid-Session Review?

*Answer.* In general, the Administration revises its applicant growth assumptions for Mid-Session Review in June based on updated operational data, including actual information for the current academic year. For the last three years, the Administration adjusted its applicant growth assumptions for Mid-Session Review to account for unanticipated increases in Pell applicants, increasing estimated costs over the President's Budget level. Other technical assumptions used to estimate program cost—such as changes in Federal tax provisions, mandatory updates to the Need Methodology Tables, and proposals to verify applicants' income data with the IRS—were either revised or introduced during this update period. In addition, government-wide economic assumptions used for Mid-Session Review typically differed from those used in the President's Budget.

## ACCURACY OF DEPARTMENT'S PELL GRANT COST MODEL

*Question.* Has the Department ever accurately estimated the program cost of the Pell Grant program?

*Answer.* Historically, the Department's Pell Grant cost model has been a reasonably accurate predictor of program costs. Over the last 10 years (academic years 1994–95 through 2003–04), the model's estimates were within an average of 4.6 percent of actual costs. A review of annual data indicate the forecasting model is particularly reliable during times of economic stability and less so during other periods. Estimation in this area is particularly challenging due to the lead time necessary to produce the President's budget—up to two full years before the beginning of the funded academic year—and the economic changes occurring during that period.

*Question.* What actions has the Department taken to improve its ability to more accurately forecast the cost of the Pell Grant program?

*Answer.* Since one of the key components in forecasting the cost of the Pell Grant program is projecting applicant growth in future years, the Department is working to build better and more robust tools for forecasting applicant growth. Over the past three years, the Department has made ongoing improvements to its primary Pell

Grant cost model by expanding the sample sizes of applicants and recipients, incorporating real-time disbursement data, and by auditing key technical parameters.

#### INTERNAL REVENUE SERVICE DATA MATCHING

*Question.* The Administration has again proposed to allow the IRS to match income tax return data against student aid applications, in order to reduce the number of erroneous student aid payments. According to the U.S. Department of Education, this proposal would save the Federal Government \$50 million in erroneous payments during the 2005–2006 academic year and substantially more in subsequent years. What is the status of efforts to enact authorizing legislation?

*Answer.* We have worked closely with the Treasury Department and the Office of Management and Budget in developing this proposal. The Administration's unambiguous support is clearly shown in the August 9, 2002, letter signed by Secretaries Paige and O'Neill and OMB Director Daniels transmitting the proposed legislation to the Congress.

Recently Congressman Johnson introduced H.R. 3613 the "Student Aid Streamlined Disclosure Act of 2003," which was referred to the Subcommittee on Oversight of the Ways and Means Committee. There is general support for the concept, and we are currently working to address specific operational concerns.

#### STEPS TAKEN TO REDUCE ERRONEOUS FEDERAL STUDENT AID EDUCATION PAYMENTS

*Question.* What other steps is the Department taking to reduce and eliminate erroneous Federal education payments?

*Answer.* The Department has implemented a multi-year effort to research the causes of, and to suggest solutions to, incorrect student payments. We have substantially increased the number of student aid applications submitted using FAFSA on the Web. The online student aid application substantially reduces errors and improves services to students. The Department retargeted the verification selection criteria to focus on the Pell Grant program and is encouraging schools to verify all selected applicants. To ensure that verification occurs, the Department is conducting a series of community outreach sessions on student aid application verification processes. Finally, we have taken steps for improving the Department's compliance and monitoring techniques in the Federal Student Aid and Office of Postsecondary Education programs.

#### NEW PROGRAMS VERSUS PROGRAM ELIMINATIONS

*Question.* Mr. Secretary, in response to a question I submitted last year, you stated, "the Administration believes it is more effective to deliver scarce Federal education resources to States and school districts through large, flexible formula grant programs rather than small, categorical grant programs mandating particular approaches to educational improvement." I agree with this general proposition. However, I note that you have proposed in the fiscal year 2005 budget, 6 new programs that would provide separate funding through categorical grant programs that support a narrow purpose. At the same time, the fiscal year 2005 budget request proposes to eliminate 38 categorical grant programs funded at more than \$1.4 billion last year, ranging from the Smaller Learning Communities program to Arts in Education, because your Department believes that in many instances these programs have a narrow or limited effect.

Will you explain your rationale for requesting funds for new programs proposed in the fiscal year 2005 budget, which have a very narrow purpose, but not those you propose to eliminate because of their limited objectives?

*Answer.* The Administration does not oppose all categorical grant programs, nor have we proposed to eliminate funding for all of them. We recognize that such programs often serve an important purpose, such as calling attention to unmet needs, stimulating innovation, or demonstrating specific educational strategies. What we have objected to, particularly in the current budget environment, is the continued funding of such programs long after they have achieved their objectives, when they duplicate other funded activities, or when it has become clear that the funded strategies are not an effective use of taxpayer funds.

I believe our 2005 request is entirely consistent with this approach, as reflected in our budget documents, which clearly identify the rationale for a handful of new categorical programs while proposing to terminate separate funding for a much larger number of similar programs that have largely achieved their original purposes. I would add that, in most cases, these latter programs may be funded under broader, more flexible State grant authorities if desired by States and local school districts.

## CENTER FOR CIVIC EDUCATION'S WE THE PEOPLE PROGRAMS

*Question.* Mr. Secretary, the fiscal year 2005 budget proposes funding for the Center for Civic Education's We the People (WTP) programs. These programs have been very effective through the years in providing students with the knowledge, skills, and attitudes they need to be effective citizens, and evaluations continue to testify to the success of these programs. Would you agree the WTP programs can be an antidote to the cynicism and apathy toward politics and government that persists among young people today?

*Answer.* We agree that civic education programs can play a critical role in equipping young people with the knowledge and skills necessary for effective citizenship. Civic Education is a clear Administration priority. Although the Department has not conducted any evaluations of the Center for Civic Education's We the People programs, recent studies suggest that quality civic education programs may prompt students to understand, care about, and act on core citizenship values. Quality civic education programs can also help schools and communities maintain safe and inclusive learning environments that foster increased social responsibility and tolerance.

## INCREASE FOR RESEARCH, DEVELOPMENT, AND DISSEMINATION

*Question.* The fiscal year 2005 President's budget acknowledges the importance of evidence-based decision making in education, yet proposes to eliminate funding for many of the programs that provide this information to SEAs, LEAs and teachers themselves. On the one hand you ask for an increase in Research, Development and Dissemination. At the same time the fiscal year 2005 budget proposes to eliminate funding for the Regional Educational Labs, the Eisenhower Math and Science Clearinghouse and the Regional Technology in Education Consortia. Can you please comment on these proposals?

*Answer.* The requested increase for Research, Development, and Dissemination is not an indication that the Administration proposes to shift funds from technical assistance to research. Instead, the Administration recognizes the fact that although the No Child Left Behind Act mentioned scientifically based research 111 times, there are significant gaps in our scientific knowledge in many of the areas in which Congress instructed that funding decisions and practice should adhere to scientifically based research, including math, science, school-wide reform models, early literacy programs in preschools, and professional development of teachers. Our request for increased funding would support rigorous research to give education practitioners the information they need to ground their decisions and practices in strong evidence of what works.

In the conference report accompanying the Consolidated Appropriations Act of 2004, the conferees strongly urged the Department to hold a competition for the new comprehensive centers authorized under sections 203 and 205 of the Education Sciences Reform Act of 2002 (ESRA). In the budget request for fiscal year 2005, the Administration requested funding under the School Improvement account to support a competition for the new comprehensive centers. The new comprehensive centers would provide much-needed training, technical assistance, and professional development in reading, mathematics, and technology to States, local educational agencies, and school in order to improve the academic progress of disadvantaged students, boost teacher quality, and improve English fluency among students with limited English proficiency.

Under section 205 of the Educational Technical Assistance Act of 2002, the Comprehensive Regional Assistance Centers, the Regional Technology in Education Consortia, and the Eisenhower Regional Mathematics and Science Consortia were only authorized to continue until the comprehensive centers authorized under section 203 are established. Since the Department plans to hold a competition for the new comprehensive centers in 2005, there would be no authority under which to request funds to continue awards to the existing technical assistance providers.

## REGIONAL EDUCATIONAL LABORATORIES PROGRAM

The Administration did not request funds for the Regional Educational Laboratories program because there is no evidence that the laboratories consistently provide quality research and development products or evidence-based training and technical assistance. Although the Education Sciences Reform Act of 2002 reauthorized the program, the current authority does not enable IES to ensure that all of the laboratories adhere to standards of scientific quality needed to produce evidence with which to inform decisions.

## ARTS IN EDUCATION

*Question.* The No Child Left Behind Act recognizes the arts as a core subject of learning. Studies show that the arts are proven to help close the achievement gap and improve essential academic skills. If arts have been proven to be essential to the learning process, why does the fiscal year 2005 budget propose to eliminate the arts in education program?

*Answer.* The Administration's fiscal year 2005 budget eliminates 38 small categorical programs that have narrow or limited effect, including the Arts in Education program, to help increase resources for high-priority programs. Districts seeking to implement arts education activities can use funds provided under other Federal programs. For example, districts can use the funds they receive through the State Grants for Innovative Programs to implement arts programs.

In addition, under the Improving Teacher Quality State Grants program, districts may use their funds to implement professional development activities that improve the knowledge of teachers and principals in core academic subjects, including the arts. Also, districts are able to supplement the amount of funding they receive for these two programs by exercising their options under the transferability authority of the State and Local Transferability Act.

## 21ST CENTURY COMMUNITY LEARNING CENTERS

*Question.* The fiscal year 2005 President's budget proposes to freeze funding for the 21st Century Community Learning Centers Program. This is a program that enjoys public and bi-partisan congressional support. These programs help working families, provide vital additional academic support to students and provide safe, supervised environments for kids after school. Is there a reason the Department's fiscal year 2005 budget does not support expanding this program beyond its current funding level?

*Answer.* The Administration is proposing to maintain strong support for the 21st Century Community Learning Centers program by requesting \$999.1 million in the 2005 budget. The request recognizes that the program provides a significant opportunity to improve the quality of an estimated 1,800 after-school programs that the program is able to support. At the same time, we need to ensure that the weaknesses in the previous program are not carried into the State-administered program. Preliminary findings from the evaluation of the antecedent program show a need to focus the program on providing more academic content and developing a knowledge base about successful academic interventions.

The request also recognizes that the new grantees funded by States need some time to achieve better outcomes for students, and that national evaluation and technical assistance activities can play a key role in successful implementation. The Department continues to provide technical assistance and intensive outreach to help grantees focus on program improvement. We also continue to fund rigorous evaluation activities that will yield program performance information and assist us in developing new interventions.

## NCLB TRANSFERABILITY PROVISIONS

*Question.* Under the State and Local Transferability Act enacted as part of the No Child Left Behind Act, States and local school districts are provided with additional flexibility to target certain Federal funds to Federal programs that most effectively address the unique needs of States and localities and to transfer Federal funds allocated to certain State grant activities to allocations for certain activities authorized under Title I. How did the Department consider this authority in making its fiscal year 2005 budget request?

*Answer.* Our 2005 request maintains high levels of funding for the programs that are included in the transferability authority (Improving Teacher Quality State Grants, Educational Technology State Grants, State Grants for Innovative Programs, and Safe and Drug-Free Schools and Communities State Grants programs) to ensure that States and school districts have meaningful flexibility to use Federal funds to address their own priorities. In addition, the flexibility provided by the transferability provisions supported the Administration's proposals to reduce or eliminate funding for small categorical programs, since the transferability provisions make it easier for States or districts to identify alternate sources of funding for such programs, should they wish to continue them.

*Question.* How will the authority be considered in assessing the relationship between Federal funding provided and the performance outcomes achieved with such funds?

Answer. The Department plans to collect information, through program performance reports and a study of resource allocation, on the amount of funds transferred among programs under the transferability authority. As for the relationship between Federal funding and performance outcomes, we believe that it is often not possible to isolate the separate impact of many Federal programs on student outcomes, due to the fact that federal programs frequently seek to leverage broader State and local improvements in education programs. However, we will also continue to collect and report information on trends in student outcomes in order to assess the overall impact of Federal, State, and local reform efforts on student achievement.

*Question.* How will this authority shape decisions on future budget requests for affected programs?

Answer. The transferability authority supports the Administration's emphasis on rationalizing and consolidating the delivery of Federal education resources to give States and school districts maximum flexibility in using these resources to meet local needs, and to improve student achievement while reducing administrative, paperwork, and regulatory burdens. As with the 2005 budget request, I expect that we will work to maintain or increase funding for the flexible State grant programs included in the transferability authority, while reducing budget support for smaller categorical programs with limited impact and more complex administrative requirements.

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#### QUESTIONS SUBMITTED BY SENATOR THAD COCHRAN

##### REPORT ON WRITING BY THE NATIONAL COMMISSION ON WRITING

*Question.* Mr. Secretary, many teachers in my State, and I know in other States, have benefited from the very economical professional development provided by the network of National Writing Project institutes. Every State is benefiting from the relatively small Federal investment in the National Writing Project. Many schools report data that shows measurable improvement in student success in writing who have been taught by writing project teachers. This is a program that I've worked for more than a dozen years, to keep authorized and keep funded.

This past year, the College Board—this is the organization that administers the college entrance examinations with which we are all familiar, such as the SAT, established the National Commission on Writing. It concluded that, "Writing today is not a frill for the few but an essential skill for the many." Further, it has added to the college entrance examination a writing section, and it proposes a concerted effort on retraining teachers in the teaching of writing, and doing so by increasing the Federal investment in the National Writing Project. I find this recommendation compelling. These were professionals, college presidents, and academicians from all over the country, who looked at the state of student writing and how it was being taught, and concluded that the best thing the Federal Government could do to make a positive contribution to improving this condition, is to increase the funding of the National Writing Project.

Are you aware of the report of the National Commission on Writing?

Answer. Yes, I am familiar with the National Commission on Writing report, and the important recommendations included in this document. I agree that writing is an essential learning skill, and that the ability to write is foundational to other learning areas.

When considering recommendations made in this report, however, it is important to keep in mind that Richard Sterling, the National Writing Project's (NWP) Executive Director, chaired the project's advisory panel. There is no reliable evidence that the NWP is any more or less effective than other professional development activities. No impact evaluations of the NWP have been conducted to date. In recent years, the NWP has sponsored several evaluations of activities supported under their project. Unfortunately, neither evaluation approach employed by NWP was sufficiently rigorous to yield reliable information on the effectiveness of interventions supported through the program. For example, NWP claimed that the latter evaluation shows statistically significant gains from baseline to follow-up for 3rd and 4th grade student participants; however, because the study failed to use control groups or carefully matched comparison groups, it is not possible to draw any reliable conclusions regarding impact on student learning in NWP classrooms relative to other classrooms where writing skills are taught.

## ARTS IN EDUCATION

*Question.* The grants that have been available under the Arts in Education program have provided nationally recognized school reform in my State through the Mississippi Arts Commission's Whole School Program. The Commission received one of the first grants available under this program and this has been successful as well as provided arts in schools that otherwise would have none. The benefit of arts education has been widely reported over the last several years, and I think we need to continue to allow schools to have a resource that goes beyond what States and local governments can supply. The Federal funds that go to States simply do not stretch far enough to allow arts education to be a priority in schools of high poverty. School representatives regularly thank me for my support, and in the same breath, ask for continued funding. This is a difficult situation, but one I hope we can resolve.

*Answer.* While the Department plays a significant role in certain areas of education, all specific decisions about curricula and other program offerings are made at the State and local levels. Because it is my understanding that most decisions to reduce or eliminate music and art programs are driven by budget concerns, I believe there is little the Department can do in this area, given our relatively small and necessarily focused contribution to overall education spending. New flexibility provisions in the No Child Left Behind Act made it easier for States and districts to support music and arts programs with Federal dollars, but we recognize that there are many needs competing for these resources. I do believe that as States and districts make progress in meeting their proficiency goals for reading and math, they will devote additional attention and resources to other core subjects such as music and art.

## FEDERAL SUPPORT FOR FOREIGN LANGUAGE INSTRUCTION

*Question.* In the area of foreign language instruction, the evidence is that we need to be doing this beginning in elementary schools. It is my understanding that the small grant program we have to provide schools with support for this has many more times the applicants than it can approve. Most schools K-8 do not offer foreign language instruction, and in States where resources are overburdened, even high schools are not able to offer even common foreign languages such as Spanish or French. The point, Mr. Secretary, is that for these schools, the resource they need is direct access to a Federal grant program. These programs make a difference in whether or not certain subjects are taught, and whether or not students have the advantage of a competitive education.

*Answer.* I share your view that, in general, foreign language instruction is important for students who will pursue careers in an increasingly multicultural world economy. However, both budget constraints and the limited Federal role in education dictate a focus on core priorities, and our core priority in elementary and secondary education lies in helping special populations, such as poor students and students with disabilities, to meet challenging State standards in reading, math, and science, as called for in the No Child Left Behind Act.

I also think that the rebounding economy will permit greater State and local support for programs such as foreign language instruction—as well as art, music, and physical education—that suffered most during the recent recession. Finally, States and school districts may fund foreign language instruction under larger, more flexible Federal authorities like Title V State Grants for Innovative Programs.

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 QUESTIONS SUBMITTED BY SENATOR PATTY MURRAY

## SINGLE SEX EDUCATION

*Question.* During passage of No Child Left Behind, we reached a bi-partisan agreement on single-sex education. NCLB says that schools may provide single-sex programs as long as they are consistent with “applicable law,”—Title IX and the U.S. Constitution—and requires the Department of Education to provide guidance on that applicable law. The law does not direct the Department of Education to change the Title IX regulations. However, yesterday, you released new proposals to amend 30-year-old Title IX regulations on single sex education.

Current law allows single-sex programs when appropriate, but contains protections against sex discrimination. The proposed regulations would dispense with meaningful anti-discrimination protections and authorize schools to provide alternatives for girls that fall far short of equality. In the press release announcing this

change, you even admit that research on students' performance in single-sex education programs is inconclusive.

Shouldn't you be spending that funding and the efforts of the Department of Education on helping our States implement the No Child Left Behind Act to close the achievement gap instead of throwing out long-standing anti-discrimination laws, potentially broadening the achievement gap for our Nations' girls and boys?

Answer. As required by the new law, we issued guidance on May 8, 2002 on the Title IX requirements related to single-sex schools and classrooms. At the same time, the Department published a notice that the Secretary was planning to propose amendments to the existing Title IX regulations applicable to single-sex education.

The No Child Left Behind Act brought a new emphasis on flexibility and choice in Federal education programs. Consistent with this emphasis, the proposed amendments to the Title IX regulations provide more flexibility to educators to establish single-sex schools and classrooms in elementary and secondary schools. Research indicates that single-sex programs may provide educational benefits to some students, and such programs also offer additional public school choice options to children and their families.

The Department's proposed amendments continue to require school districts to afford substantially equal educational opportunities to both sexes when single-sex classes and schools are offered. Any effort to provide either sex with alternatives that are inferior to those provided the other sex would not be consistent with these amendments.

In addition, the proposed amendments require school districts to ensure that single-sex classes do not rely on overly broad generalizations about the different talents or capacities of female and male students. While we acknowledge that there is a debate among researchers and educators regarding the effectiveness of single-sex education, we believe our proposal makes educational sense and protects both girls and boys from discrimination.

#### SCHOOL CHOICE AND PELL GRANTS

*Question.* The President's budget yet again includes funding for vouchers, which were rejected during passage of No Child Left Behind. The Bush budget includes \$50 million for the Choice Incentive Fund and another \$14 million for the DC voucher program, which the Senate never even voted on.

How can you justify repeatedly abandoning public education by giving just 1,700 students \$7,500 to attend schools that are unaccountable to students, their families, or the Department of Education and may not be providing a quality education, when you are not increasing Pell grants for millions of low-income students past \$4,050 to attend accredited institutions of higher education? This is especially troubling when so many people are going back to school, particularly community colleges, for education and training to compete in this workforce.

Answer. The President's request would increase Pell Grant funding by over \$800 million, to a record \$12.8 billion. The Administration believes there is no contradiction between this strong support for the Pell Grant program and our proposed modest funding for educational innovations that expand choice for the parents of elementary and secondary school students. Both proposals are fully consistent with the Department's mission and goals; in fact, vouchers and other choice options are an effort to bring to elementary and secondary education the same accountability mechanism supported by the Pell Grant program: allowing students to attend the school of their choice.

#### STRIVING READERS INITIATIVE

*Question.* Your budget proposes \$100 million for a new program—Striving Readers—to help improve reading for middle and high school students. I support efforts to improve our high schools and additional resources for high schools, including through my Pathways for All Students to Succeed Act, which provides tools and resources to reform secondary education.

Isn't it true that overall high schools will be net losers in funding? Your budget proposes to cut the Perkins Career and Technical Education program by \$300 million, eliminate the \$173 million Smaller Learning Communities program designed to provide more individualized attention to high school students, as well as eliminate the \$34 school-counseling program. That seems to result in a net loss to high school students of some \$300–400 million. What is the rationale behind that?

Answer. I don't believe that it is correct to say that our budget results in a net loss of support for high school students. The Administration has chosen to target scarce resources on programs such as the Title I Grants to Local Educational Agencies (LEAs) and Special Education Grants to States, programs that benefit high



school as well as elementary school students, rather than fund small categorical grant programs with narrow effect, such as the Smaller Learning Communities and School Counseling programs. Our fiscal year 2005 request would provide for an increase of 52 percent for Title I Grants to LEAs and 75 percent for Special Education State Grants since President Bush took office; these programs support our Nation's secondary school students as well as elementary students.

In addition, our proposal to strengthen and modernize the Federal investment in vocational education will help States and communities improve the academic performance of high school students by supporting effective career pathway programs that promote rigorous academic curriculum and build a stronger bridge between high schools and postsecondary and workforce preparation. Further, rather than funding general expenses like equipment purchases and hiring of staff that have little direct impact on student learning as we do now, the proposed "Sec Tec" program would target funds to partnerships between school districts and technical schools, community colleges, and other career pathways programs to ensure that students are being taught the academic and technical skills necessary for further education and training and success in the workforce.

#### FUNDING FOR NCLB PROGRAMS

*Question.* Your budget for NCLB provides only a 1.8 percent overall increase. After factoring in inflation and continued enrollment growth that increase would actually result in a cut in funding for schools. Further, instead of providing real funding for programs, including Title I and IDEA, you cut 38 programs and level fund many more.

Since States and schools have been complaining that they need significant additional resources to meet the many requirements of NCLB, do you think a cut in funding in real terms is the right approach?

*Answer.* Over the past decade, overall spending on elementary and secondary education in the United States has grown from \$300 billion to just over \$500 billion. Funding for the Elementary and Secondary Education Act has more than kept pace with this increase, nearly tripling from \$8.5 billion to \$24 billion over the same period. Moreover, these increases occurred in an environment of historically low inflation, resulting in very substantial increases in real terms. I believe these funding levels, along with the President's budget request, are more than sufficient to pay for the changes called for in the No Child Left Behind Act.

#### SUBCOMMITTEE RECESS

Senator SPECTER. Thank you all very much. The subcommittee will stand in recess to reconvene at 9:30 a.m., Thursday, March 25, in room SD-192. At that time we will hear testimony from the Honorable Tommy Thompson, Secretary, Department of Health and Human Services.

[Whereupon, at 11:55 a.m., Thursday, March 4, the subcommittee was recessed, to reconvene at 9:30 a.m., Thursday, March 25.]